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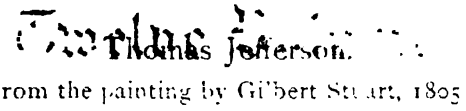

Thomas Jefferson.
From the painting by Gilbert Stuart, 1805

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Collected and Edited
by
Paul Leicester Ford

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1904

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TO

MY FATHER

GORDON LESTER FORD

AS A

MEMORIAL

OF

HIS AID AND SYMPATHY

BEYOND EITHER DESCRIPTION OR ACKNOWLEDGMENT

THESE VOLUMES ARE

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INTRODUCTION

The political theories and usages originated or adopted by Thomas Jefferson have shown such persistence and permanence in their value to our people and government as to demonstrate a far deeper and broader principle underlying them than is always recognized. In popular estimation, Jefferson stands as the founder of the Democratic party, and the developer of the theory of State Rights; and on these foundations are based the so called "Jeffersonian principles," and the respect and acceptance, as well as the criticism and contravention, accorded to them. That this basis was deemed sufficient during his life, is natural, for judgment of a living man must always be partial and superficial. That this limited view should during that time acquire prestige and momentum enough to project it into history, is not strange, the more that the logical conclusions of certain theories advanced by him suited the policy of one of our political parties. The acceptance of this limited view has enabled his antagonists and critics to charge him with hypocrisy, opportunism, and even lack of any political principles; and the contradictions and instability they have cited in his opinions and conduct have

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embarrassed even his most devoted adherents. If this limited view is still to be accepted as sufficient and final, these criticisms must stand:—His advocacy of a weak national government; with his complaints that it was "a rope of sand," and his far-reaching augmentations to its power. His advocacy of a strict construing of our constitution; and yet his so exceeding the implied powers granted by it, as to make it, in his own words, "waste paper." His support of the State governments as "sovereign"; and his dislike and attempted changes in and overriding of their constitutions. His arguments in favor of an absolutely independent jury and judiciary; and his attacks on both. His desire for a national navy; and his later opposition. His demands that the executive and legislative departments should be beyond reciprocal influence; yet, when president, his interference in the latter to an extent which led to a stinging rebuke on the floor of Congress in open debate. His dread of a partizan civil service as a means of influencing and defeating free elections, and his oft repeated claim that public officers should be selected only on their merit; while himself inaugurating the spoils system, sending his political friends commissions in blank, and retaining a federalist official "because of his connections." His disapproval of the re-eligibility of the president, and advocacy of rotation in office to prevent the creation of a bureaucracy; with his subsequent willingness that the former should serve more than two terms, and his writing to a superannuated appointee, "would it be a relief to transfer the office to your

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son, for your use, with the understanding that it should be afterwards continued with him for the benefit of the family?" His opposition to the alien act; and his framing of a bill directed against foreigners of far greater injustice than that enactment. His support of the passage of the funding and assumption act; and his unending opposition to its execution. His condemnation of the national bank, not merely on constitutional grounds, but because he believed it to be unduly influencing the national government; yet when himself at the head of that government advocating "a judicious distribution" of favors to that and other banks "to engage the individuals who belong to them in support" of his administration. His early opposition to national internal improvements, his later recommendation of this policy to Congress, and his final resolutions declaring it unconstitutional. His arguments and labors in opposition to slavery; while owning many negroes, and refusing to act as executor of a will because the testator freed his slaves—And many other actions apparently implying so little principle, or views so shifting, as superficially to reduce them to nothing else than a mass of inconsistencies, each one notable only for its immediate results. Judged by these standards, the marvel of the Federalists and his later critics, that he should have been the chosen instrument of American democracy, is proper. The scholarly and reclusive nature of his tastes and studies; the retiring and limited character of his intercourse with the world; the influence of his social equals; his dislike of party and personal

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antagonism; and his sensitiveness to abuse and criticism, make his acceptance of that leadership, as strange a problem, as that the people should have chosen for their representative a man lacking nearly all of the personal qualities which are presumed to win popularity with the masses. And only explicable from the narrow view of his critics as the success of an ambitious and unprincipled self-seeking man, attained by astuteness and chicane so great as to deceive the masses.

But if the people embody the total of human thought and experience, as our political theories maintain, there are better reasons than these for his elevation, and for the political influence his name has carried for over one hundred years—better reasons than the leadership of a party, or a fine-spun theory of the respective powers of the state and national governments. The explanation of these apparent anomalies lies deeper than any mere matter of individuality, party success, or rigid political platform. To understand why Jefferson became "a man of the people," and for what reasons and purposes they made him their leader, we must study certain forces and tendencies then working in America.

In the never-ending struggle between the so called "classes" and "masses," not the least interesting phase is that which occurred in the revolutionary period in this country. Although the colonies were nominally royal appendages, legislated for by King and Parliament, the difficulties of governing at such distance and other conditions, had compelled the

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granting to them, or an acquiescence in their exercising, a large degree of local self-government. In conceding this, the attempt had been made, and in most cases successfully, to place power in the hands of the classes; so as to build up a colonial aristocracy, subservient to the wishes of the mother country. And as the colonies grew and became objects of greater interest to Great Britain, this tendency became more and more marked. But the conditions of the country were not suited for class or centralized government. The wilderness made every man a land-holder, and the vast extent of territory and its sparse settlement rendered civil authority unable to exercise its force, and therefore hardly a factor in its influence on the people. Yet the lawlessness of the new settlements, and the Indians on the frontier, compelled the maintenance of some kind of authority, and so each settler, and each community, became largely the law-maker and administrator of their own affairs. Thus it was that local self-government, based solely on manhood, was tested and became the cardinal principle of American government.

Such was the trending development of the people, when the policy of England between 1764 and 1775, towards her American colonies, united them in opposition to her rule. That opposition, and the great movement towards democratic government, were by events so blended, that they have since stood as one in the public mind. Yet they were entirely different, most of our great revolutionary leaders deprecating the latter; and while events converted some

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few to the democratic theory of power, the majority never ceased to fear the people. Had it not been for the exigencies of the war, which compelled an appeal to the masses, to destroy the royal government, and to fight the mother country, it is probable that they would not have gained any political power from national independence. But in the interregnum between the destruction of the old and the creation of the new governments, much was gained, not merely in actual exercise of rights, but in experience; for the masses learned that self-organized bodies of men, acting under no legal authority, could rule a whole country by mere recommendations; that a dependent government is the strongest in the world, for it must accord with public opinion, and therefore meet with public support; that constitutions and laws are but ink and paper unless they approximate to that sole origin of force and authority; and that it is not the government which supports the people, but the people who support the government.

The masses are by their nature and condition, however, negative rather than positive, and when constructive, rather than destructive or obstructive force is required, they are compelled to delegate a portion of their powers. Thus, in the re-building of government, the classes secured an influence far out of proportion to their numbers. In the State constitutions, they succeeded in somewhat curtailing and limiting the popular control; and later, in the formation of our national constitution they sought still further to wrest powers from the people, both by grants, which interposed barriers to the direct dele-

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gation of power from the people to the executive, judiciary, and one of the legislative branches, and by clauses purposely worded so as to leave the question of the quantity of power granted to the decision of men who would almost certainly be drawn from the classes. And a resulting political party attempted to carry this policy still further. Had government been merely a matter of intellect and ability, the Federalists would have succeeded in controlling and fixing its character in this country. That when they had done their work of construction, they were excluded from office, without ever comprehending the reason, proves how little they understood the tendency, intelligence, and power of the forces they were attempting to circumscribe. Unlike the Federalists, Jefferson was willing to discard the tradition of ages—that the people must be protected against themselves by the brains, money, and better "elements" of the country—and for this reason American democracy made him its chosen agent and mouth-piece.

To understand why Jefferson was one of the few men of intellect of his time able to appreciate, sympathize with, and aid this popular movement, a retrospect of certain factors in his life and times is necessary. Inheriting unsettling tendencies of mind, he was from an early age a thorough skeptic of tradition and precedent. In his own words, he never "feared to follow truth and reason to whatever results they led, and bearding every authority which stood in their way." Almost alone of the revolutionary leaders, he was born on the frontier, which,

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as already stated, was the ultimate of local self-government. Among those conditions he passed the formative period of his life, and as representative of this district he made his first essay in politics, naturally as an advocate and defender of the democratic mountaineers. In the Virginia Assembly, in which his earliest battles were fought, the strongest line of party division was between the aristocratic "planter" interest—great landed and slave-holding proprietors, with the prestige and inertia of favorable laws and offices—and the "settler" interest—inhabiting the frontier, far from the law or protection of government, but strong in numbers, independence, and necessities;—and in these conflicts he learned how absolutely selfish and grasping all class legislation is. Then came the Revolution, and Jefferson saw governments, deriving their authority from laws innumerable, and their force from the strongest nation of Europe, utterly destroyed, with hardly a blow, merely through their non-recognition by the masses. With the Committees of Safety and the Congresses which succeeded, he saw the experiment of "a government of the people, by the people, for the people," established and tested. Had he been in America between 1784 and 1788, he too might have become doubtful as to how far the masses could control themselves, for the reaction of the revolutionary struggle was severe, and strained democratic institutions almost to anarchy. But at this time he was in France, witnessing another great struggle between the privileged and unprivileged. So he returned to America, true to the influences and lessons

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of his life, to find his theories in disfavor with the conservative, and government slipping more and more from the control of the governed. And because he believed that only the people truly knew what the people needed; that those who could take care of themselves were wise and practical enough to help care for the nation; and that the only way of enforcing laws was that they should be made by those who are to obey them, he undertook, with reluctance and self-sacrifice, to be the instrument of popular action. That he was the founder of the Democratic party is a claim little less than absurd, for there always has been, and always will be, such a party. But he united the democratic elements on certain principles and objects, and proved himself such a leader as the party has seldom been able to obtain.

Recognition of what he endeavored to accomplish explains many of his apparent inconsistencies. The dominant principle of his creed was that all powers belonged to the people, and that governments, constitutions, laws, precedent, and all other artificial clogs and "protections," are entitled to respect and obedience only as they fulfilled their limited function of aiding—not curtailing—the greatest freedom to the individual. For this reason, he held that no power existed to bind the people or posterity, except by their own acts. For this reason, he was the strict construer of the national constitution, where he believed it destructive of personal freedom; and construed it liberally where it threatened to limit the development of the people. He was the defender of

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the State governments; for he regarded them as a necessary division for local self-government and as natural checks on the national power, and so a safeguard to the people. That he appealed to them in his resolutions of 1798, was because he believed the people for once unable to act for their own interest, and the theories of that paper are a radical and short-lived contradiction of his true beliefs. Because he believed the national judiciary and the national bank to be opposed to the will of the people, he attacked them. Because he believed he was furthering the popular will, he interfered in the legislative department and changed office-holders. Because he wished them free to think and act, he favored separation from England, abolition of slavery, free lands, free education, freedom of religion, and the largest degree of local self-government. His methods and results were not always good. His character and conduct had many serious flaws. Yet in some subtle way the people understood him, and forgave in him weaknesses and defects they have seldom condoned. And eventually this judgment will universally obtain, as the fact becomes clearer and clearer, that neither national independence, nor state sovereignty, with the national and party rancors that attach to them, were the controlling aim and attempt of his life; that no party or temporary advantage was the object of his endeavors, but that he fought for the ever enduring privilege of personal freedom.

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The proof for this view of Jefferson must be sought in such of his writings as are still preserved:

In the *Journal* of the House of Burgesses of Virginia for May 9, 1769, are a series of resolutions intended to serve as a basis for the reply of that body to the speech of their newly arrived governor. Remarkable here only for their intense obsequiousness and adulation, these resolutions merit notice as the first public paper drawn by Thomas Jefferson. As a lawyer, however, Jefferson was already known. Few of his arguments have been preserved, but these few give evidence that he was already out of spirit with his surroundings. The man who could argue that human servitude was "a violation of the law of nature"; that under those laws, "all men are born free, every one comes into the world with a right to his own person, which includes the liberty of moving and using it at his own will"; and that "Christianity neither is nor ever was a part of the common law," was clearly not in sympathy with a slave-holding community, living under an established church, and ruled by a royal governor.

His next public paper was of much the same form, though differing greatly in nature from his first. It was a series of resolutions intended for the guidance and adoption of the self-constituted convention which met in August, 1774, and the difference in tone almost tells the history of those intervening years. Then, the interests of England and America were "inseparably the same." Now, only by accepting the advice of these resolutions could the "reciprocal advantages of their connection" be

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preserved. The power of Parliament over the colonies was denied; the King instructed that he was "no more than the chief officer of the people, appointed by the laws, and circumscribed with definite powers, to assist in working the great machine of government erected for their use, and consequently subject to their superintendence"; and the assertion made that the American people possessed the sole power of self-government and could "exercise it to an unlimited extent." These opinions were too extreme for even a revolutionary convention, but they nevertheless formed one more stepping-stone in the direction of independence for the colonies.

A year later he wrote the reply of the Virginia House of Burgesses to the plan of reconciliation known as Lord North's "Motion," and was the bearer of it to the Continental Congress, of which he had been elected a member. For this body, he likewise wrote a second reply to the "Motion," as well as a "Declaration" on the United Colonies taking up arms. But this latter did not meet with their approval, and one prepared by Dickinson was taken in its stead; and a comparison of the two certainly justifies the Congress. He also drafted a number of minor papers for that body, and prepared a plan for an executive government by a committee of Congress—an attempt not then realized, but which was later in an elaborated form to be again proposed by Jefferson, to be tried, and to result in failure.

In the Congress of 1776 he drafted, for the committee of which he was a member, three reports dealing with Canadian affairs, which are now of interest

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only from the light they throw on the attempt to conquer that country. While so occupied, he drafted a proposed constitution for his native state and forwarded it to the convention in hopes of their accepting it, which they failed to do. But it is for us a most interesting paper, as illustrating the development of his political theories, the most notable being his acquiescence in the limiting of the franchise to freeholders, well knowing as he did, the impossibility of gaining from the aristocratic party any extension of the ballot, but neutralizing this acquiescence by distributing the public lands so as to make a manhood suffrage; his far-seeing method for dealing with western colonization, his proposed ending of primogeniture, test oaths, and the slave trade; and his guarantees of freedom of religion and press. He prepared a number of other reports and resolutions for Congress, the most worthy of notice being his rules for the government of that body, which was probably the first step towards his parliamentary manual. His greatest work, however, was the writing of a vindication of the resolution of independence, since popularly known as the "Declaration of Independence." Jefferson never forgave the alterations which the sectional interests, as also the better sense of the Congress, made in his draft, even though they were for the most part omissions of what lacked either truth or dignity. The fame of the paper, which is probably the best known that ever came from the pen of an individual, has led to much discussion as to its origin, and numerous charges of plagiarism have been made against the

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author. That the catalogue of wrongs and grievances which constitute the body of the declaration was hackneyed is beyond dispute, for these had formed the basis of nearly every address and petition put forth by the Continental Congress, or Provincial Assemblies, and had been as well the prevailing subject of written and verbal discussion. The preamble and exordium are however the important parts. A comparison of the former with the Virginia Declaration of Rights would seem to indicate the source from which Jefferson derived a most important and popular part. The latter was practically rewritten by Congress. But the unity and phrasing of such a paper constitute no small portion of its composition, and to embody the feelings and hopes of a new nation in a single paper, as Jefferson did with such marvellous success, makes it unique among the greatest writings of the world, and gives to him an honor that can never end. With the Declaration of Independence the Congress completed a change which had been slowly maturing. From being a scribe of petitions and declarations, it tended more and more to become a war executive, and Jefferson, who achieved reputation by his philosophic mind and pen, and who himself realized his lack of ability in administration, found himself of little use in such a body. Pleading family and other reasons, therefore, he retired from Congress and took his seat in the Virginia House of Delegates.

The great problem here was a rebuilding of civil government destroyed by the Revolution. A constitution had been adopted, and under this a legisla-

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ture and executive had been elected, but courts and laws had fallen with the royal government, and to re-establish them in modified form was the task to which Jefferson set himself. With the permission of the legislature, and in conjunction with two collaborators, he worked for nearly three years upon a complete code, and reported it to that body; which from time to time adopted certain features from it, but neglected the larger part. In addition to this great work, he drafted, during his service in this body, many bills of immediate or temporary moment. This was done in a period almost without precedent, when it was necessary not merely to carry on the ordinary forms of government, but to conduct a war in distant states and territories, and repress disloyalty and lawlessness within the limits of the state. And he was thwarted by parties and cliques formed on geographical lines, religious beliefs, and class feeling, and rent by personal hatred and cabal. It is therefore small wonder that he aided in some unjust and even unconstitutional legislation, or that much of his that was good should fail. But his proposed bills for religious freedom, for the creation of public schools, and for the establishment of free libraries more than redeem his errors. His legislation contributed more than the work of any other man to free the aristocratic colony of Virginia from the "planter" interest and start it towards democratic statehood; and the Assembly proved that he had labored to their satisfaction by electing him Governor.

In an executive position, Jefferson was out of his

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element. Nothing was called for or came from his pen but official letters and proclamations. His administration produced open murmurs, and at the end of two years he sought relief in resignation, with the stigma of incompetence, if not of cowardice, the prevailing opinion concerning him. Impeachment was attempted without success; and later, when the evils begun in his term had been overcome, whitewashing resolutions were adopted by the legislature in his behalf; but they brought no relief to his own supersensitiveness, and he hid himself in an almost hermit-like seclusion from the world, determined never more to hold public office.

Here he prepared for the information of the French government his famous *Notes on Virginia*. Intended for confidential use only, and written during a period of personal bitterness, it is most interesting from its outspoken tone on many subjects. But even more notable is the remarkable mass of information he gives concerning the State; which after a lapse of more than one hundred years still makes it a valuable work of reference. During the same period he wrote an essay on the *Art of Poesy*, and prepared a second proposed constitution for Virginia, which illustrated the tendency of his mind since he had drafted his first in 1776, the most marked departure being his direct attempt to extend the franchise.

Drawn from his retirement by the hope of a foreign mission, the importunities of his friends induced him to accept an election to the Continental Congress. In his less than six months' service in this body, the

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amount and importance of his work can hardly be overestimated. He was a member of almost every important committee appointed, and no less than thirty-one papers were drafted by him. He proposed and carried a plan for a committee of Congress which should sit during adjournments. He drew the report and instructions for negotiating commercial treaties with European states, in which he embodied his humane desires that fishermen, farmers, and artisans engaged in their vocations should not be subject to capture; that undefended towns should not be injured; that privateering should cease; and commerce, even between belligerents, should be free. His reports on the finances were most elaborate and careful, and in connection with these he prepared his *Notes on a Money Unit*, which led to the adoption of the dollar as our standard of value, and in which he was far-seeing enough to argue that "the true proportion of value between gold and silver was a mercantile problem altogether," and that it was policy "to give a little more than the market price for gold because of its superior convenience in transportation." But his greatest work was in reference to the western territories. His pen drafted the cession which Virginia made to the national government, and, conscious that this "was the time when our Confederation with the territory included within its limits should assume its ultimate form," he framed a plan of government for all the territory outside the boundaries of the original states. The effect of the clauses making this territory forever part of the United States and ending slavery in it after the year

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1800, would have solved our greatest political contest, but these are of small moment when compared with the system here for the first time established, that the inhabitants of the public domain were not to be held as subject colonies, but were to be given equal rights with the parent state. No one enactment has had so vital an influence on the American Union; and this principle was extended by another ordinance, proposing a land system, which must be considered as the first of the national acts towards distributing the public lands among the people.

Sent to Europe in 1784 to aid in negotiating treaties, and a year later made Minister to France, he wrote little in the few following years, other than official letters. He contributed a few anonymous articles to the Paris papers to counteract the published criticisms of America, and at the request of the authors carefully corrected certain historical works on the same subject which were then appearing. In his diplomatic function he proposed to the several European nations an agreement to restrain, by united action, the piratical states of North Africa; drafted a proposed Consular convention with France; and prepared a careful and minute *mémoire* on the American whale fisheries, with the purpose of obtaining from France special exemptions in favor of the oil sent from America. In addition, his deep interest in the French Revolution led him to overstep the proper limits of his office, and prepare a "Charter of Rights" which he desired should be adopted by the States-General.

Returning to America, he became Secretary of

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State in Washington's administration. His position resulted in a diplomatic correspondence and a series of reports to Congress on subjects referred to him. But of more interest are his cabinet opinions and the messages he drafted for the President. Gradually growing out of sympathy with the acts of the Executive, he likewise recorded passing events and opinions in notes, which have since become famous under the name of "Anas." Later in his life, he himself judged it expedient to revise and suppress portions of these notes, and his editors took further liberties with them. Yet even after this double revision, they were not printed without apologies and regrets that they had ever been written.

Retiring from the cabinet in 1794, he resumed a planter's life, and during this period, his pen produced nothing, unless we except some curious "Notes for a Constitution" for Virginia. Having reference only to the legislative branch, they are too imperfect to be of value, except as a contrast to the methods suggested in his proposed constitutions of 1776 and 1783.

Elected Vice-President in 1796, and so made presiding officer of the Senate, he prepared his *Manual of Parliamentary Practice*, chiefly drawn from the rules of Parliament, as well "to have them at hand for my own government, as to deposit with the Senate the standard by which I judge and am willing to be judged." In this same period, he wrote an essay on Anglo-Saxon; a memoir on the discovery of certain bones of an animal in the western parts of Virginia; and a description of a mould-board of the least resistance for ploughs. He also drew a

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protest for his district against the act of a grand jury, employing in it a train of argument, which, put in practice, would have ended the independence of juries; and prepared a series of resolutions for the Kentucky legislature, which mark the culminating point of certain political tendencies that had been developed by the administrations of Washington and Adams. The platform of a party for many years, they have become famous not merely for the theory, but for the logical results of the theory, which history has given us. The Kentucky Resolutions of '98 were, however, prepared by Jefferson as a piece of party manœuvring, he himself acknowledging that the direct action of the people rather than the interference by the states, was "the constitutional method"; and he so thoroughly understood the destructive quality of his argument that he worded it "so as to hold that ground in future, and leave the matter in such train as that we may not be committed to push matters to extremities, and yet be free to push as far as events will render prudent." In fact, nullification of Federal, not national acts, was his object in those resolutions.

Raised to the Presidency in 1801, he wrote many messages and other public papers; drew a number of bills and resolutions for Congress to pass; compiled an elaborate treatise on the boundaries of Louisiana; contributed a series of articles to a newspaper vindicating certain of his actions which had met with criticism; and partly drafted a curious monograph on the question: "Will the human race become more perfect?" The latter typical of his optimism, for when

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all Europe was in arms, and his own country suffering many evils, he could yet argue strongly in favor of a steady progress towards perfection.

After his retirement from office in 1809, he wrote a "plan of an agricultural society," which is of little importance; sketched a paper on "objects of finance, intended for the guidance of the national government in the difficulties already felt, in which he argued strongly against all forms of fiat money; drew a brief for the government relative to certain riparian rights; prepared at various times biographical notes and sketches of Franklin, Wythe, Peyton Randolph, and Meriwether Lewis; planned and partially outlined a work to be entitled *The Morals and Life of Jesus of Nazareth;* prepared an Autobiography to the year 1790; framed another series of resolutions opposed to the action of the national government; and finally, owing to press of financial difficulties, and in behalf of a private scheme for his own advantage, wrote vigorously in favor of lotteries.

In addition to these, and a number of minor papers, Jefferson carried on between the years of 1760 and 1826 an enormous correspondence, both private and official, which practically constitutes the greater mass of his writings. A careful estimate of the letters still in existence gives not less than twenty-five thousand, yet portions only of certain years are still extant. Interesting not merely for the opinions expressed, but for the personal element they present, they are of equal, if not superior, importance to his other writings.

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The first of these writings to appear in print was the resolutions prepared for the Virginia House of Burgesses in 1769, which was printed in their *Journal* for that year. In 1774, without his knowledge, his friends caused the printing in pamphlet form of his proposed instructions to the Virginia delegates to the first Congress. His reply to Lord North's "Motion" was printed in the *Journal of Congress* for 1775, and very generally in the newspaper press of that year. His *Declaration of Independence* ran through the colonies like wildfire, in many printed forms. Such bills as he drafted, which became laws, were printed in the session acts of Virginia during the years 1776 to 1779. Several of his reports in the Congress of 1783–4 were printed as broadsides, and he himself printed in the same form his *Notes on a Money Unit*. In 1784, the State of Virginia printed, in the *Report of the Revisors*, the laws he had prepared for the proposed code. And, in the same year, he himself privately printed his *Notes on Virginia* and his *Draft of a Fundamental Constitution for Virginia*. In 1788, his *Observations on the Whale Fisheries*, and the *Consular Convention* he had agreed upon with France, were printed. Most of his reports to Congress as Secretary of State, and a part of his correspondence with the foreign governments, were printed at various times between 1790 and 1794, by order of Congress. His *Kentucky Resolutions* of 1798 were, in their amended form, given print and general currency by that state. His *Manual of Parliamentary Practice* was originally printed by request in 1800, and has been many times reprinted. In 1800, he published

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his *Appendix to the Notes on Virginia*, which was later issued as a part of that work. His inaugural speeches and messages as President were published in various forms as they became public. The argument he prepared on the Batture case was issued in pamphlet form in 1812. His biographical sketch of Lewis was printed in 1814 in the *History of the Expedition of Lewis and Clark*. A volume of legal reports, containing three of his early law arguments, edited by him before his death, was issued in 1829. In the same year, his grandson, Thomas Jefferson Randolph, as his literary executor, edited a four-volume edition of his writings and correspondence, including his autobiography, a small portion of his private correspondence, a part of his *Anas*, and a few miscellaneous papers; which was several times reprinted. In 1851, his *Essay on Anglo-Saxon* was printed by the University of Virginia, and five years later, his correspondence relating to that institution was included in the *History of the University of Virginia*. In 1848, Congress purchased the larger part of his papers, and by their direction, H. A. Washington selected from them, with a few additions from other sources, enough to make a nine-volume edition of his writings, which naturally became the standard collection.

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To meet the need of a new edition of the writings of Thomas Jefferson, this work has been undertaken. Not content with relying upon the Jefferson MSS. in the Department of State, from which, substantially,

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the former editions were compiled, the present editor, while making full use of the records of the Department, has obtained many interesting documents from the papers of Jefferson still in the hands of his descendants; the papers of the Continental Congress; the archives of the State of Virginia; the files of the French Foreign Office; the private papers of Washington, Adams, Madison, Monroe, Steuben, and Gates; as well as from many state archives, historical societies, and private collections throughout the country. Aid has generously been given him by many, which it will be his pleasure to gratefully acknowledge in the final volume, but he wishes here to express his especial thanks and obligations to his brother, Worthington Chauncey Ford, and to Mr. S. M. Hamilton, of the Department of State, for the constant assistance and favors rendered in the preparation of this edition.

The dedication of this work was prepared before the death of my father, Gordon Lester Ford, and I have preferred to leave it unchanged. His interest in and love for American history first directed my studies to that subject; to his devoted and unwearying gathering of books and manuscripts is due my ability to make this edition what it is; and the lack of his critical but kindly aid, will account for many of its shortcomings and errors.

PAUL LEICESTER FORD.

October 15, 1892,
97 Clark Street, Brooklyn, N. Y.

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ITINERARY AND CHRONOLOGY

OF

THOMAS JEFFERSON

1743–1770.[1]

1743.—Apr. 2 [or 13]	Born at Shadwell, Albemarle Co., Va.
1745.	Removed to Tuckahoe.
1748.	Attends English school at Tuckahoe.
1752.	Attends Douglas' Latin school.
	Returns to Shadwell.
1757.—Aug. 17.	His father, Peter Jefferson, dies.
	At Frederickville, attending Maury's school.
1759.?	At Watauga.
Dec. 25.	"At Col. Danridge's in Hanover."
1760.—Jan. 1.	At Col. Peter Randolph's.
14.	At Shadwell.
Mar. 25.	At Williamsburg.
	Enters College of William and Mary.
1762.—April 25.	Graduates.
	Enters law office of George Wythe.
	Forms attachment for Rebecca Burwell.
Dec. 25.	At Fairfield.
29?	At Shadwell.
1763.—Jan. 30.	At Shadwell.
July 15.	At Shadwell.
Sept. 25?	At Richmond.
Oct. 7.	At Williamsburg.
Dec. 25.	At Fairfield.
1764.—Jan. 19–24.	At Williamsburg.
Mar. 20.	At Williamsburg.
Apr. 9.	At Williamsburg.

[1] Each volume will contain the portion of this for the period covered by the dates of its contents.

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1765.—May 23–29.	At Williamsburg.
1766.—Mar. 30.	At Shadwell.
May 11.	At Shadwell.
	Journeys to Annapolis, Philadelphia, and New York.
1767.—Jan.–Nov.	At Shadwell.
	Admitted to the Bar.
1768.—Feb.–Mar.	At Shadwell.
Aug. 18.	At Staunton.
1769.—Mar. 14.	At Shadwell.
	Elected a Burgess.
May 8.	At Williamsburg.
	Attends House of Burgesses.
9.	Drafts resolutions in reply to Botetourt.
17.	House of Burgesses dissolved.
	Signs non-importation Association.
July 27.	At Shadwell.
Nov. 16.	At Williamsburg.
	Attends House of Burgesses.
Dec. 21.	House of Burgesses adjourns.
1770.—Feb. 1.	House and library at Shadwell burned.
21.	At Charlottesville.
Apr.	At Williamsburg.
	Argues case of Howell *v.* Netherland.
May 11.	Attends House of Burgesses.
June 28.	House of Burgesses adjourns.
July 11.	At Charlottesville.
23.	At Albermarle.

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THE WRITINGS

OF

THOMAS JEFFERSON

AUTOBIOGRAPHY

1743–1790

1821. Jan. 6.

At the age of 77, I begin to make some memoranda and state some recollections of dates & facts concerning myself, for my own more ready reference & for the information of my family.

The tradition in my father's family was that their ancestor came to this country from Wales, and from near the mountain of Snowdon, the highest in Gr. Br. I noted once a case from Wales in the law reports where a person of our name was either pl. or def. and one of the same name was Secretary to the Virginia company.[1] These are the only instances in which I have met with the name in that country. I have found it in our early records, but the first particular information I have of any ancestor was

[1] No Jefferson was ever secretary of the Virginia Company, but John Jefferson was a member of the company. He came to Virginia in the *Bona Nova*, in 1619.

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my grandfather who lived at the place in Chesterfield called Ozborne's and ownd. the lands afterwards the glebe of the parish.[1] He had three sons, Thomas who died young, Field who settled on the waters of Roanoke and left numerous descendants, and Peter my father, who settled on the lands I still own called Shadwell [2] adjoining my present residence. He was born Feb. 29, 1707/8, and intermarried 1739, with Jane Randolph, of the age of 19. daur of Isham Randolph one of the seven sons of that name & family settled at Dungeoness in Goochld. They trace their pedigree far back in England & Scotland, to which let every one ascribe the faith & merit he chooses.

My father's education had been quite neglected; but being of a strong mind, sound judgment and eager after information, he read much and improved himself insomuch that he was chosen with Joshua Fry, professor of Mathem. in W. & M. college to continue the boundary line between Virginia & N. Caroline which had been begun by Colo Byrd, and was afterwards employed with the same Mr. Fry to make the 1st map of Virginia [3] which had ever been made, that of Capt Smith being merely a conjectural sketch. They possessed excellent materials for so much of the country as is below the blue ridge; little being then known beyond that ridge. He was the

[1] This was Capt. Thomas Jefferson, son of Thomas and Mary (Branch) Jefferson, of Henrico Co. He married Mary Field.

[2] In Albemarle County. The house lot of 400 acres was purchased from William Randolph by "Henry Weatherbourne's biggest bowl of arrack punch."

[3] Engraved and printed on four sheets in London, in 1751, by Thomas Jeffreys. The name Shadwell which it contains is even then one of the most western of settlements.

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3d or 4th settler of the part of the country in which I live, which was about 1737. He died Aug. 17. 1757, leaving my mother a widow who lived till 1776, with 6 daurs & 2. sons, myself the elder.[1] To my younger brother he left his estate on James river called Snowden after the supposed birth-place of the family. To myself the lands on which I was born & live. He placed me at the English school at 5. years of age and at the Latin at 9. where I continued until his death. My teacher Mr. Douglas[2] a clergyman from Scotland was but a superficial Latinist, less instructed in Greek, but with the rudiments of these languages he taught me French, and on the death of my father I went to the revd. Mr. Maury[3] a correct classical scholar, with whom I continued two years, and then went to Wm. and Mary college, to wit in the spring of 1760, where I continued 2. years. It was my great good fortune, and what probably fixed

[1] In Colonel Peter Jefferson's Prayer Book in the handwriting of Thomas Jefferson, are the following entries:

	"BIRTHS	MARRIAGES	DEATHS
"Jane Jefferson	1740, June 17	———	1765 Oct 1
Mary	1741, Oct 1	1760 June 24	———
Thomas	1743, Apr 2	1772 Jan 1	———
Elizabeth	1744, Nov. 4	———	1773 Jan 1
Martha	1746, May 29	1765 July 20	———
Peter Field	1748, Oct 16	———	1748 Nov. 29
A son	1750, March 9	———	1750 Mar. 9
Lucy	1752, Oct 10	1769 Sept. 12	———
Anna Scott Randolph	1755, Oct 1	1788, October	———"

[2] The Rev. William Douglas, of St. James, Northam Parish, Goochland.

[3] Rev. James Maury, of Fredericksville, Louisa Co., "an ingenious young man, who tho' born of French parents, has lived with them in this country of Virginia since he was a very young child. He has been educated at our College."—*James Blair to Bishop of London*, 1742

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the destinies of my life that Dr. Wm. Small of Scotland was then professor of Mathematics, a man profound in most of the useful branches of science, with a happy talent of communication correct and gentlemanly manners, & an enlarged & liberal mind. He, most happily for me, became soon attached to me & made me his daily companion when not engaged in the school; and from his conversation I got my first views of the expansion of science & of the system of things in which we are placed. Fortunately the Philosophical chair became vacant soon after my arrival at college, and he was appointed to fill it per interim: and he was the first who ever gave in that college regular lectures in Ethics, Rhetoric & Belles lettres. He returned to Europe in 1762, having previously filled up the measure of his goodness to me, by procuring for me, from his most intimate friend G. Wythe, a reception as a student of law, under his direction, and introduced me to the acquaintance and familiar table of Governor Fauquier, the ablest man who had ever filled that office. With him, and at his table, Dr. Small & Mr. Wythe, his amici omnium horarum, & myself, formed a partie quarree, & to the habitual conversations on these occasions I owed much instruction. Mr. Wythe continued to be my faithful and beloved Mentor in youth, and my most affectionate friend through life. In 1767, he led me into the practice of the law at the bar of the General court, at which I continued until the revolution shut up the courts of justice. [For a sketch of the life & character of Mr. Wythe see my letter of Aug. 31. 20. to Mr. John Saunderson]

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In 1769, I became a member of the legislature by the choice of the county in which I live, & continued in that until it was closed by the revolution. I made one effort in that body for the permission of the emancipation of slaves,[1] which was rejected: and indeed, during the regal government, nothing liberal could expect success. Our minds were circumscribed within narrow limits by an habitual belief that it was our duty to be subordinate to the mother country in all matters of government, to direct all our labors in subservience to her interests, and even to observe a bigoted intolerance for all religions but hers. The difficulties with our representatives were of habit and despair, not of reflection & conviction. Experience soon proved that they could bring their minds to rights on the first summons of their attention. But the king's council, which acted as another house of legislature, held their places at will & were in most humble obedience to that will: the Governor too, who had a negative on our laws held by the same tenure, & with still greater devotedness to it: and last of all the Royal negative closed the last door to every hope of amelioration.

On the 1st of January, 1772 I was married to Martha Skelton widow of Bathurst Skelton, & daughter of John Wayles, then 23. years old. Mr. Wayles was a lawyer of much practice, to which he

[1] Under the act of 2d George II., no slave was to be set "free upon any pretence whatsoever, except for some meritorious services, to be adjudged and allowed by the Governor and Council."—*Acts of the Assembly, 1769.* No trace of this "effort" is recorded in the *Journal of the House of Burgesses.*

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was introduced more by his great industry, punctuality & practical readiness, than to eminence in the science of his profession. He was a most agreeable companion, full of pleasantry & good humor, and welcomed in every society. He acquired a handsome fortune, died in May, 1773, leaving three daughters, and the portion which came on that event to Mrs. Jefferson, after the debts should be paid, which were very considerable, was about equal to my own patrimony, and consequently doubled the ease of our circumstances.

When the famous Resolutions of 1765, against the Stamp-act, were proposed, I was yet a student of law in Wmsbg. I attended the debate however at the door of the lobby of the H. of Burgesses, & heard the splendid display of Mr. Henry's talents as a popular orator. They were great indeed; such as I have never heard from any other man. He appeared to me to speak as Homer wrote. Mr. Johnson, a lawyer & member from the Northern Neck, seconded the resolns, & by him the learning & the logic of the case were chiefly maintained. My recollections of these transactions may be seen pa. 60, Wirt's life of P. H.,[1] to whom I furnished them.

In May,[2] 1769, a meeting of the General Assembly was called by the Govr., Ld. Botetourt. I had then become a member; and to that meeting became known the joint resolutions & address of the Lords & Commons of 1768–9, on the proceedings in Massachusetts. Counter-resolutions, & an address to the

[1] Patrick Henry. *Cf. post*, sketch of Patrick Henry, under 1814.
[2] May 8th.

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King, by the H. of Burgesses were agreed to with little opposition, & a spirit manifestly displayed of considering the cause of Massachusetts as a common one. The Governor dissolved us [1]: but we met the next day in the Apollo [2] of the Raleigh tavern, formed ourselves into a voluntary convention, drew up articles of association against the use of any merchandise imported from Gr. Britain, signed and recommended them to the people, repaired to our several counties, & were re elected without any other exception than of the very few who had declined assent to our proceedings.

Nothing of particular excitement occurring for a considerable time our countrymen seemed to fall into a state of insensibility to our situation. The duty on tea not yet repealed & the Declaratory act of a right in the British parl to bind us by their laws in all cases whatsoever, still suspended over us. But a court of inquiry held in R. Island in 1762, with a power to send persons to England to be tried for offences committed here [3] was considered at our session of the spring of 1773. as demanding attention. Not thinking our old & leading members up to the point of forwardness & zeal which the times required, Mr. Henry, R. H. Lee, Francis L. Lee, Mr. Carr & myself agreed to meet in the evening in a private room of the Raleigh to consult on the state of things. There may have been a member or two more whom I

[1] May 16th.

[2] A public room sometimes called the "long room" in the tavern. There is a picture of it in *The Century Magazine* for November, 1875.

[3] This was the famous "Gaspee" inquiry, the date being a slip for 1772.

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do not recollect. We were all sensible that the most urgent of all measures was that of coming to an understanding with all the other colonies to consider the British claims as a common cause to all, & to produce an unity of action: and for this purpose that a commee of correspondce in each colony would be the best instrument for intercommunication: and that their first measure would probably be to propose a meeting of deputies from every colony at some central place, who should be charged with the direction of the measures which should be taken by all. We therefore drew up the resolutions which may be seen in Wirt pa 87. The consulting members proposed to me to move them, but I urged that it should be done by Mr. Carr,[1] my friend & brother in law, then a new member to whom I wished an opportunity should be given of making known to the house his great worth & talents. It was so agreed; he moved them, they were agreed to nem. con. and a commee of correspondence appointed of whom Peyton Randolph, the Speaker, was chairman. The Govr. (then Ld. Dunmore) dissolved us, but the commee met the next day, prepared a circular letter to the Speakers of the other colonies, inclosing to each a copy of the resolns and left it in charge with their chairman to forward them by expresses.

The origination of these commees of correspondence between the colonies has been since claimed for Massachusetts, and Marshall II. 151, has given into this error, altho' the very note of his appendix to which he refers, shows that their establmt was con-

[1] Dabney Carr. He married Martha Jefferson.

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fined to their own towns. This matter will be seen clearly stated in a letter of Samuel Adams Wells to me of Apr. 2, 1819, and my answer of May 12. I was corrected by the letter of Mr. Wells in the information I had given Mr. Wirt, as stated in his note, pa. 87, that the messengers of Massach. & Virga crossed each other on the way bearing similar propositions, for Mr. Wells shows that Mass. did not adopt the measure but on the receipt of our proposn delivered at their next session. Their message therefore which passed ours, must have related to something else, for I well remember P. Randolph's informing me of the crossing of our messengers.

The next event which excited our sympathies for Massachusets was the Boston port bill, by which that port was to be shut up on the 1st of June, 1774. This arrived while we were in session in the spring of that year. The lead in the house on these subjects being no longer left to the old members, Mr. Henry, R. H. Lee, Fr. L. Lee, 3. or 4. other members, whom I do not recollect, and myself, agreeing that we must boldly take an unequivocal stand in the line with Massachusetts, determined to meet and consult on the proper measures in the council chamber, for the benefit of the library in that room. We were under conviction of the necessity of arousing our people from the lethargy into which they had fallen as to passing events; and thought that the appointment of a day of general fasting & prayer would be most likely to call up & alarm their attention.[1] No

[1] "Mr. Jefferson and Charles Lee may be said to have originated a fast to electrify the people from the pulpit. . . . Those gentlemen,

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example of such a solemnity had existed since the days of our distresses in the war of 55. since which a new generation had grown up. With the help therefore of Rushworth, whom we rummaged over for the revolutionary precedents & forms of the Puritans of that day, preserved by him, we cooked up a resolution, somewhat modernizing their phrases, for appointing the 1st day of June, on which the Port bill was to commence, for a day of fasting, humiliation & prayer, to implore heaven to avert from us the evils of civil war, to inspire us with firmness in support of our rights, and to turn the hearts of the King & parliament to moderation & justice.[1] To give greater emphasis to our proposition, we agreed to wait the next morning on Mr. Nicholas,[2] whose grave & religious character was more in unison with the tone of our resolution and to solicit him to move it. We accordingly went to him in the morning. He moved it the same day; the 1st of June was proposed and it passed without opposition.[3] The Governor dis-

knowing that Robert Carter Nicholas, the chairman of the committee of religion, was no less zealous than themselves against the attempt to starve thousands of American people into a subservience to the ministry, easily persuaded him to put forth the strength of his character, on an occasion which he thought to be pious, and move a fast, to be observed on the first day of June.—Edmund Randolph's (MS.) *History of Virginia*, p. 24.

[1] Printed in Force's *Archives*, 4th, 1, 350.

[2] Robert Carter Nicholas.

[3] "It (the fast) was spoke of by some as a Schem calculated to *inflame* and excite an *enthusiastic* zeal in the Minds of the People under a Cloak of Religion, than which nothing could be more *calumnious* and *unjust* . . . The Resolution was not *Smuggled*, but proposed in a very *full* House, not above one Dissentient appearing amongst near an hundred members."—R. C. Nicholas' *Considerations on the Present State of Virginia Examined*, p. 40.

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solved us as usual. We retired to the Apollo as before, agreed to an association,[1] and instructed the commee of correspdce to propose to the corresponding commees of the other colonies to appoint deputies to meet in Congress at such place, *annually*, as should be convenient to direct, from time to time, the measures required by the general interest: and we declared that an attack on any one colony should be considered as an attack on the whole. This was in May.[2] We further recommended to the several counties to elect deputies to meet at Wmsbg the 1st of Aug ensuing, to consider the state of the colony, & particularly to appoint delegates to a general Congress, should that measure be acceded to by the commees of correspdce generally.[3] It was acceded to, Philadelphia was appointed for the place, and the 5th of Sep. for the time of meeting. We returned home, and in our several counties invited the clergy to meet assemblies of the people on the 1st of June,[4] to perform the ceremonies of the day, & to address to them discourses suited to the occasion. The people met generally, with anxiety & alarm in their countenances, and the effect of the day thro' the whole colony was like a shock of electricity, arousing every man & placing him erect & solidly on his centre.

[1] Printed in Rind's *Virginia Gazette* for May 26, 1774. It was signed by eighty-nine members.

[2] May 27, 1774.

[3] This was in a separate resolution, adopted May 30th, by "all the members that were then in town." It was not to "elect deputies" but merely a reference of the consideration of important papers to such "late members of the House of Burgesses" who should then gather.

[4] By the original invitation, printed herein under June, 1774, it will be seen that the call was for June 23d, instead of the 1st.

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They chose universally delegates for the convention. Being elected one for my own county I prepared a draught of instructions to be given to the delegates whom we should send to the Congress, and which I meant to propose at our meeting. In this I took the ground which, from the beginning I had thought the only one orthodox or tenable, which was that the relation between Gr. Br. and these colonies was exactly the same as that of England & Scotland after the accession of James & until the Union, and the same as her present relations with Hanover, having the same Executive chief but no other necessary political connection; and that our emigration from England to this country gave her no more rights over us, than the emigrations of the Danes and Saxons gave to the present authorities of the mother country over England. In this doctrine however I had never been able to get any one to agree with me but Mr. Wythe. He concurred in it from the first dawn of the question What was the political relation between us & England? Our other patriots Randolph, the Lees, Nicholas, Pendleton stopped at the half-way house of John Dickinson who admitted that England had a right to regulate our commerce, and to lay duties on it for the purposes of regulation, but not of raising revenue. But for this ground there was no foundation in compact, in any acknowledged principles of colonization, nor in reason: expatriation being a natural right, and acted on as such, by all nations, in all ages. I set out for Wmsbg some days before that appointed for our meeting, but was taken ill of a dysentery on the road, & unable to pro-

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ceed. I sent on therefore to Wmsbg two copies of my draught, the one under cover to Peyton Randolph, who I knew would be in the chair of the convention, the other to Patrick Henry. Whether Mr. Henry disapproved the ground taken, or was too lazy to read it (for he was the laziest man in reading I ever knew) I never learned: but he communicated it to nobody. Peyton Randolph informed the convention he had received such a paper from a member prevented by sickness from offering it in his place, and he laid it on the table for perusal. It was read generally by the members, approved by many, but thought too bold for the present state of things; but they printed it in pamphlet form under the title of *A Summary view of the rights of British America.* It found its way to England, was taken up by the opposition, interpolated a little by Mr. Burke so as to make it answer opposition purposes, and in that form ran rapidly thro' several editions.[1] This information I had from Parson Hurt,[2] who happened at the time to be in London, whither he had gone to receive clerical orders. And I was informed afterwards by Peyton Randolph that it had procured me the honor of having my name inserted in a long list of proscriptions enrolled in a bill of attainder commenced in one of the houses of parliament, but suppressed in embryo by the hasty step of events which warned them to be a little cautious.[3] Montague,

[1] There are several errors in this statement, which are treated in the note on the pamphlet. See *post*, 1774.

[2] Rev. John Hurt.

[3] It is hardly necessary to state that this so-called bill was a myth, which had no basis in fact. But at the time when these leaders were

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agent of the H. of Burgesses in England made extracts from the bill, copied the names, and sent them to Peyton Randolph. The names I think were about 20 which he repeated to me, but I recollect those only of Hancock, the two Adamses, Peyton Randolph himself, Patrick Henry, & myself.[1] The convention met on the 1st of Aug, renewed their association, appointed delegates to the Congress, gave them instructions very temperately & properly expressed, both as to style & matter; and they repaired to Philadelphia at the time appointed. The splendid proceedings of that Congress at their 1st session belong to general history, are known to every one, and need not therefore be noted here. They terminated their session on the 26th of Octob, to meet again on the 10th May ensuing. The convention at their ensuing session of Mar, '75,[2] approved of the proceedings of Congress, thanked their delegates and reappointed the same persons to represent the colony at the meeting to be held in May: and foreseeing the probability that Peyton Randolph their president and Speaker also of the H. of B. might be called off, they added me, in that event to the delegation.

Mr. Randolph was according to expectation obliged to leave the chair of Congress to attend the Gen. Assembly summoned by Ld. Dunmore to meet on the 1st day of June 1775. Ld. North's conciliatory

risking such a proscription, it was the current belief, both in England and America, that steps would be taken against them, and it is not strange that, in the absence of the proof to the contrary which we now possess, it was believed in.

[1] See Girardin's *History of Virginia*, Appendix No. 12, note.—*T. J.*

[2] March 27, 1775. See Force's *Archives*, 4th, II, 172.

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propositions, as they were called, had been received by the Governor and furnished the subject for which this assembly was convened. Mr. Randolph accordingly attended, and the tenor of these propositions being generally known, as having been addressed to all the governors, he was anxious that the answer of our assembly, likely to be the first,[1] should harmonize with what he knew to be the sentiments and wishes of the body he had recently left. He feared that Mr. Nicholas, whose mind was not yet up to the mark of the times, would undertake the answer, & therefore pressed me to prepare an answer. I did so, and with his aid carried it through the house with long and doubtful scruples from Mr. Nicholas and James Mercer, and a dash of cold water on it here & there, enfeebling it somewhat, but finally with unanimity or a vote approaching it.[2] This being passed, I repaired immediately to Philadelphia, and conveyed to Congress the first notice they had of it. It was entirely approved there. I took my seat with them on the 21st of June. On the 24th, a commee which had been appointed to prepare a declaration of the causes of taking up arms, brought in their report (drawn I believe by J. Rutledge) which not being liked they recommitted it on the 26th, and added Mr. Dickinson and myself to the committee. On the rising of the house, the commee having not yet met, I happened to find myself near Govr W. Livingston, and proposed to him to draw the paper.

[1] It had already been referred to the Congress by New Jersey, May 20th, 1775.

[2] See *post*, under June 12, 1775.

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He excused himself and proposed that I should draw it. On my pressing him with urgency, "we are as yet but new acquaintances, sir, said he, why are you so earnest for my doing it?" "Because, said I, I have been informed that you drew the Address to the people of Gr. Britain, a production certainly of the finest pen in America." "On that, says he, perhaps sir you may not have been correctly informed." I had received the information in Virginia from Colo Harrison on his return from that Congress. Lee, Livingston & Jay had been the commee for that draught. The first, prepared by Lee, had been disapproved & recommitted. The second was drawn by Jay, but being presented by Govr Livingston, had led Colo Harrison into the error. The next morning, walking in the hall of Congress, many members being assembled but the house not yet formed, I observed Mr. Jay, speaking to R. H. Lee, and leading him by the button of his coat, to me. "I understand, sir, said he to me, that this gentleman informed you that Govr Livingston drew the Address to the people of Gr Britain." I assured him at once that I had not received that information from Mr. Lee & that not a word had ever passed on the subject between Mr. Lee & myself; and after some explanations the subject was dropt. These gentlemen had had some sparrings in debate before, and continued ever very hostile to each other.

I prepared a draught of the Declaration committed to us.[1] It was too strong for Mr. Dickinson. He still retained the hope of reconciliation with the

[1] *Cf.* note on Jefferson's draft, *post*, under July 6, 1775.

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mother country, and was unwilling it should be lessened by offensive statements. He was so honest a man, & so able a one that he was greatly indulged even by those who could not feel his scruples. We therefore requested him to take the paper, and put it into a form he could approve. He did so, preparing an entire new statement, and preserving of the former only the last 4. paragraphs & half of the preceding one. We approved & reported it to Congress, who accepted it. Congress gave a signal proof of their indulgence to Mr. Dickinson, and of their great desire not to go too fast for any respectable part of our body, in permitting him to draw their second petition to the king according to his own ideas,[1] and passing it with scarcely any amendment. The disgust against this humility was general; and Mr. Dickinson's delight at its passage was the only circumstance which reconciled them to it. The vote being passed, altho' further observn on it was out of order, he could not refrain from rising and expressing his satisfaction and concluded by saying "there is but one word, Mr. President, in the paper which I disapprove, & that is the word *Congress*," on which Ben Harrison rose and said "there is but one word in the paper, Mr. President, of which I approve, and that is the word *Congress*."

On the 22d of July Dr. Franklin, Mr. Adams, R. H. Lee, & myself, were appointed a commee to consider and report on Ld. North's conciliatory resolution. The answer of the Virginia assembly on that subject having been approved I was requested by

[1] "Scarcely I believe altering one" struck out in MS. by author.

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the commee to prepare this report, which will account for the similarity of feature in the two instruments.[1]

On the 15th of May, 1776, the convention of Virginia instructed their delegates in Congress to propose to that body to declare the colonies independent of G. Britain, and appointed a commee to prepare a declaration of rights and plan of government.[2]

[3] In Congress, Friday June 7. 1776. The delegates from Virginia moved [4] in obedience to instructions from their constituents that the Congress should declare that these United colonies are & of right ought to be free & independent states, that they are absolved from all allegiance to the British crown, and that all political connection between them & the state of Great Britain is & ought to be, totally dissolved; that measures should be immediately taken for procuring the assistance of foreign powers, and a Confederation be formed to bind the colonies more closely together.[5]

[1] See *post*, under July 31, 1775.

[2] Printed in Force's *Archives*, 5th, VI, 461.

[3] Here, in the original manuscript, commence the "two preceding sheets" referred to by Mr. Jefferson, as containing "notes" taken by him "whilst these things were going on." They are easily distinguished from the body of the MS. in which they were inserted by him, being of a paper very different in size, quality, and color from that on which the latter is written.

[4] Introduced by Richard Henry Lee. His autograph resolution is reproduced in Etting's *Memorials of 1776*, p. 4.

[5] "The Congress sat till 7 o'clock this evening in consequence of a motion of R. H. Lee's rendering ourselves free and independent States. The sensible part of the House opposed the Motion—they had no objection to forming a Scheme of a Treaty which they would send to France by proper Persons & uniting this Continent by a Confederacy; they saw no wisdom in a Declaration of Independence, nor any other

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The house being obliged to attend at that time to some other business, the proposition was referred to the next day, when the members were ordered to attend punctually at ten o'clock.

Saturday June 8. They proceeded to take it into consideration and referred it to a committee of the whole, into which they immediately resolved themselves, and passed that day & Monday the 10th in debating on the subject.

It was argued by Wilson, Robert R. Livingston, E. Rutledge, Dickinson and others

That tho' they were friends to the measures themselves, and saw the impossibility that we should ever again be united with Gr. Britain, yet they were against adopting them at this time:

That the conduct we had formerly observed was wise & proper now, of deferring to take any capital step till the voice of the people drove us into it:

That they were our power, & without them our declarations could not be carried into effect;

That the people of the middle colonies (Maryland, Delaware, Pennsylva, the Jerseys & N. York) were

Purpose to be enforced by it, but placing ourselves in the power of those with whom we mean to treat, giving our Enemy Notice of our Intentions before we had taken any steps to execute them. The event, however, was that the Question was postponed; it is to be renewed on Monday when I mean to move that it should be postponed for 3 Weeks or Months. In the mean Time the plan of Confederation & the Scheme of Treaty may go on. I don't know whether I shall succeed in this Motion; I think not, it is at least doubtful. However I must do what is right in my own Eyes, & Consequences must take Care of themselves. I wish you had been here—the whole Argument was sustained on one side by R. Livingston, Wilson, Dickenson, & myself, & by the Power of all N. England, Virginia & Georgia at the other."—*E. Rutledge to John Jay, June 8, 1776.*

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not yet ripe for bidding adieu to British connection, but that they were fast ripening & in a short time would join in the general voice of America:

That the resolution entered into by this house on the 15th of May [1] for suppressing the exercise of all powers derived from the crown, had shown, by the ferment into which it had thrown these middle colonies, that they had not yet accommodated their minds to a separation from the mother country:

That some of them had expressly forbidden their delegates to consent to such a declaration, and others had given no instructions, & consequently no powers to give such consent:

That if the delegates of any particular colony had no power to declare such colony independant, certain they were the others could not declare it for them; the colonies being as yet perfectly independant of each other:

That the assembly of Pennsylvania was now sitting above stairs, their convention would sit within a few days, the convention of New York was now sitting, & those of the Jerseys & Delaware counties would meet on the Monday following, & it was probable these bodies would take up the question of Independance & would declare to their delegates the voice of their state:

[1] That "every kind of authority under the said crown should be totally suppressed" and "to adopt such government as shall . . . best conduce to the happiness and safety of their constituents."—*Journal of Congress*, II., 166, 174. Duane, in a letter to Jay, dated May 16th, states that: "it has occasioned a great alarm here [Philadelphia], and the cautious folks are very fearful of its being attended with many ill consequences."

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That if such a declaration should now be agreed to, these delegates must retire & possibly their colonies might secede from the Union:

That such a secession would weaken us more than could be compensated by any foreign alliance:

That in the event of such a division, foreign powers would either refuse to join themselves to our fortunes, or, having us so much in their power as that desperate declaration would place us, they would insist on terms proportionably more hard and prejudicial:

That we had little reason to expect an alliance with those to whom alone as yet we had cast our eyes:

That France & Spain had reason to be jealous of that rising power which would one day certainly strip them of all their American possessions:

That it was more likely they should form a connection with the British court, who, if they should find themselves unable otherwise to extricate themselves from their difficulties, would agree to a partition of our territories, restoring Canada to France, & the Floridas to Spain, to accomplish for themselves a recovery of these colonies:

That it would not be long before we should receive certain information of the disposition of the French court, from the agent whom we had sent to Paris for that purpose:

That if this disposition should be favorable, by waiting the event of the present campaign, which we all hoped would be successful, we should have reason to expect an alliance on better terms:

That this would in fact work no delay of any effectual aid from such ally, as, from the advance of

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the season & distance of our situation, it was impossible we could receive any assistance during this campaign:

That it was prudent to fix among ourselves the terms on which we should form alliance, before we declared we would form one at all events:

And that if these were agreed on, & our Declaration of Independance ready by the time our Ambassador should be prepared to sail, it would be as well as to go into that Declaration at this day.

On the other side it was urged by J. Adams, Lee, Wythe, and others

That no gentleman had argued against the policy or the right of separation from Britain, nor had supposed it possible we should ever renew our connection; that they had only opposed its being now declared:

That the question was not whether, by a declaration of independance, we should make ourselves what we are not; but whether we should declare a fact which already exists:

That as to the people or parliament of England, we had alwais been independent of them, their restraints on our trade deriving efficacy from our acquiescence only, & not from any rights they possessed of imposing them, & that so far our connection had been federal only & was now dissolved by the commencement of hostilities:

That as to the King, we had been bound to him by allegiance, but that this bond was now dissolved by his assent to the late act of parliament, by which he declares us out of his protection, and by his levying

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war on us, a fact which had long ago proved us out of his protection; it being a certain position in law that allegiance & protection are reciprocal, the one ceasing when the other is withdrawn:

That James the IId. never declared the people of England out of his protection yet his actions proved it & the parliament declared it:

No delegates then can be denied, or ever want, a power of declaring an existing truth:

That the delegates from the Delaware counties having declared their constituents ready to join, there are only two colonies Pennsylvania & Maryland whose delegates are absolutely tied up, and that these had by their instructions only reserved a right of confirming or rejecting the measure:

That the instructions from Pennsylvania might be accounted for from the times in which they were drawn, near a twelvemonth ago, since which the face of affairs has totally changed:

That within that time it had become apparent that Britain was determined to accept nothing less than a carte-blanche, and that the King's answer to the Lord Mayor Aldermen & common council of London, which had come to hand four days ago, must have satisfied every one of this point:

That the people wait for us to lead the way:

That *they* are in favour of the measure, tho' the instructions given by some of their *representatives* are not:

That the voice of the representatives is not always consonant with the voice of the people, and that this is remarkably the case in these middle colonies:

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That the effect of the resolution of the 15th of May has proved this, which, raising the murmurs of some in the colonies of Pennsylvania & Maryland, called forth the opposing voice of the freer part of the people, & proved them to be the majority, even in these colonies:

That the backwardness of these two colonies might be ascribed partly to the influence of proprietary power & connections, & partly to their having not yet been attacked by the enemy:

That these causes were not likely to be soon removed, as there seemed no probability that the enemy would make either of these the seat of this summer's war:

That it would be vain to wait either weeks or months for perfect unanimity, since it was impossible that all men should ever become of one sentiment on any question:

That the conduct of some colonies from the beginning of this contest, had given reason to suspect it was their settled policy to keep in the rear of the confederacy, that their particular prospect might be better, even in the worst event:

That therefore it was necessary for those colonies who had thrown themselves forward & hazarded all from the beginning, to come forward now also, and put all again to their own hazard:

That the history of the Dutch revolution, of whom three states only confederated at first proved that a secession of some colonies would not be so dangerous as some apprehended:

That a declaration of Independence alone could

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render it consistent with European delicacy for European powers to treat with us, or even to receive an Ambassador from us:

That till this they would not receive our vessels into their ports, nor acknowledge the adjudications of our courts of admiralty to be legitimate, in cases of capture of British vessels:

That though France & Spain may be jealous of our rising power, they must think it will be much more formidable with the addition of Great Britain; and will therefore see it their interest to prevent a coalition; but should they refuse, we shall be but where we are; whereas without trying we shall never know whether they will aid us or not:

That the present campaign may be unsuccessful, & therefore we had better propose an alliance while our affairs wear a hopeful aspect:

That to await the event of this campaign will certainly work delay, because during this summer France may assist us effectually by cutting off those supplies of provisions from England & Ireland on which the enemy's armies here are to depend; or by setting in motion the great power they have collected in the West Indies, & calling our enemy to the defence of the possessions they have there:

That it would be idle to lose time in settling the terms of alliance, till we had first determined we would enter into alliance:

That it is necessary to lose no time in opening a trade for our people, who will want clothes, and will want money too for the paiment of taxes:

And that the only misfortune is that we did not

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enter into alliance with France six months sooner, as besides opening their ports for the vent of our last year's produce, they might have marched an army into Germany and prevented the petty princes there from selling their unhappy subjects to subdue us.

It appearing in the course of these debates that the colonies of N. York, New Jersey, Pennsylvania, Delaware, Maryland, and South Carolina [1] were not yet matured for falling from the parent stem, but that they were fast advancing to that state, it was thought most prudent to wait a while for them, and to postpone the final decision to July 1. but that this might occasion as little delay as possible a committee was appointed [2] to prepare a declaration of independence. The commee were J. Adams, Dr. Franklin, Roger Sherman, Robert R. Livingston & myself. Committees were also appointed at the same time to prepare a plan of confederation for the colonies, and to state the terms proper to be proposed for foreign alliance. The committee for drawing the declaration of Independence desired me to do it. It was accordingly done, and being approved by them, I reported it to the house on Friday the 28th of June when it was read and ordered to lie on the table.[3] On

[1] "Had not yet advanced to" struck out in MS. by author.

[2] June 10, 1776.

[3] A different account is given of this by John Adams, as follows:

"The committee had several meetings, in which were proposed the articles of which the declaration was to consist, and minutes made of them. The committee then appointed Mr. Jefferson and me to draw them up in form, and clothe them in a proper dress. The sub-committee met, and considered the minutes, making such observations on them as then occurred, when Mr. Jefferson desired me to take them to my lodgings, and make the draught. This I declined, and gave several

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Monday, the 1st of July the house resolved itself into a commee of the whole & resumed the consideration of the original motion made by the delegates of

reasons for declining. 1. That he was a Virginian, and I a Massachusettensian. 2. That he was a southern man, and I a northern one. 3. That I had been so obnoxious for my early and constant zeal in promoting the measure, that any draught of mine would undergo a more severe scrutiny and criticism in Congress, than one of his composition. 4. And lastly, and that would be reason enough if there were no other, I had a great opinion of the elegance of his pen, and none at all of my own. I therefore insisted that no hesitation should be made on his part. He accordingly took the minutes, and in a day or two produced to me his draught. Whether I made or suggested any correction, I remember not. The report was made to the committee of five, by them examined, but, whether altered or corrected in any thing, I cannot recollect. But, in substance at least, it was reported to Congress, where, after a severe criticism, and striking out several of the most oratorical paragraphs, it was adopted on the fourth of July, 1776, and published to the world."—*Autobiography of John Adams.*

"You inquire why so young a man as Mr. Jefferson was placed at the head of the Committee for preparing a Declaration of Independence? I answer: it was the Frankfort advice, to place Virginia at the head of every thing. Mr. Richard Henry Lee might be gone to Virgina, to his sick family, for aught I know, but that was not the reason of Mr. Jefferson's appointment. There were three committees appointed at the same time. One for the Declaration of Independence, another for preparing the articles of Confederation, another for preparing a treaty to be proposed to France. Mr. Lee was chosen for the committee of Confederation, and it was not thought convenient that the same person should be upon both. Mr. Jefferson came into Congress, in June, 1775, and brought with him a reputation for literature, science, and a happy talent of composition. Writings of his were handed about, remarkable for the peculiar felicity of expression. Though a silent member in Congress, he was so prompt, frank, explicit, and decisive upon committees and in conversation, not even Samuel Adams was more so, that he soon seized upon my heart and upon this occasion I gave him my vote, and did all in my power to procure the votes of others. I think he had one more vote than any other, and that placed him at the head of the committee. I had the next highest number, and that placed me the second. The committee met, discussed the subject, and then appointed Mr. Jefferson and me to make the draft, I suppose because we were the two first on the list.

"The sub-committee met. Jefferson proposed to me to make the

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Virginia, which being again debated through the day, was carried in the affirmative by the votes of N. Hampshire, Connecticut, Massachusetts, Rhode Island, N. Jersey, Maryland, Virginia, N. Carolina, &

draft. I said: 'I will not.' 'You should do it.' 'Oh! no.' 'Why will you not? You ought to do it.' 'I will not.' 'Why?' 'Reasons enough.' 'What can be your reasons?' 'Reason first—You are a Virginian, and a Virginian ought to appear at the head of this business. Reason second—I am obnoxious, suspected, and unpopular. You are very much otherwise. Reason third—You can write ten times better than I can.' 'Well,' said Jefferson, 'If you are decided, I will do as well as I can.' 'Very well. When you have drawn it up, we will have a meeting.'

"A meeting we accordingly had, and conned the paper over. I was delighted with its high tone and the flights of oratory with which it abounded, especially that concerning negro slavery, which, though I knew his Southern brethren would never suffer to pass in Congress, I certainly never would oppose. There were other expressions which I would not have inserted, if I had drawn it up, particularly that which called the King tyrant. I thought this too personal; for I never believed George to be a tyrant in disposition and in nature; I always believed him to be deceived by his courtiers on both sides of the Atlantic, and in his official capacity only, cruel. I thought the expression too passionate, and too much like scolding, for so grave and solemn a document; but as Franklin and Sherman were to inspect it afterwards, I thought it would not become me to strike it out. I consented to report it, and do not now remember that I made or suggested a single alteration.

"We reported it to the committee of five. It was read, and I do not remember that Franklin or Sherman criticised any thing. We were all in haste. Congress was impatient, and the instrument was reported, as I believe, in Jefferson's handwriting, as he first drew it. Congress cut off about a quarter of it, as I expected they would; but they obliterated some of the best of it, and left all that was exceptionable, if anything in it was. I have long wondered that the original draught has not been published. I suppose the reason is, the vehement philippic against negro slavery."—*John Adams to Timothy Pickering, Aug. 22, 1822.*

To this Jefferson replied:

"You have doubtless seen Timothy Pickering's fourth of July observations on the Declaration of Independence. If his principles and prejudices, personal and political, gave us no reason to doubt whether

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Georgia. S. Carolina and Pennsylvania voted against it. Delaware having but two members present, they were divided.[1] The delegates for New York de-

he had truly quoted the information he alleges to have received from Mr. Adams, I should then say, that in some of the particulars, Mr. Adams' memory has led him into unquestionable error. At the age of eighty-eight, and forty-seven years after the transactions of Independence, this is not wonderful. Nor should I, at the age of eighty, on the small advantage of that difference only, venture to oppose my memory to his, were it not supported by written notes, taken by myself at the moment and on the spot. He says 'the committee of five, to wit, Doctor Franklin, Sherman, Livingston and ourselves, met, discussed the subject, and then appointed him and myself to make the draught; that we, as a sub-committee, met, and after the urgencies of each on the other, I consented to undertake the task, that the draught being made, we, the sub-committee, met, and conned the paper over, and he does not remember that he made or suggested a single alteration.' Now these details are quite incorrect. The committee of five met; no such thing as a sub-committee was proposed, but they unanimously pressed on myself alone to undertake the draught. I consented; I drew it; but before I reported it to the committee, I communicated it *separately* to Doctor Franklin and Mr. Adams, requesting their corrections because they were the two members of whose judgments and amendments I wished most to have the benefit, before presenting it to the committee: and you have seen the original paper now in my hands, with the corrections of Doctor Franklin and Mr. Adams interlined in their own handwritings. Their alterations were two or three only, and merely verbal. I then wrote a fair copy, reported it to the committee, and from them unaltered, to Congress. This personal communication and consultation with Mr. Adams, he has misremembered into the actings of a sub-committee. Pickering's observations, and Mr. Adams' in addition, 'that it contained no new ideas, that it is a common place compilation, its sentiments hacknied in Congress for two years before, and its essence contained in Otis' pamphlet,' may all be true. Of that I am not to be the judge. Richard Henry Lee charged it as copied from Locke's treatise on government. Otis' pamphlet I never saw, and whether I had gathered my ideas from reading or reflection I do not know. I know only that I turned to neither book nor pamphlet while writing it. I did not consider it as any part of my charge to invent new ideas altogether, and to offer no sentiment which had ever been expressed before."—*Letter to J. Madison, Aug. 30, 1823.*

[1] George Read (opposing) and Thomas McKean.

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clared they were for it themselves & were assured their constituents were for it, but that their instructions having been drawn near a twelvemonth before, when reconciliation was still the general object, they were enjoined by them to do nothing which should impede that object. They therefore thought themselves not justifiable in voting on either side, and asked leave to withdraw from the question, which was given them. The commee rose & reported their resolution to the house. Mr. Edward Rutledge of S. Carolina then requested the determination might be put off to the next day, as he believed his colleagues, tho' they disapproved of the resolution, would then join in it for the sake of unanimity. The ultimate question whether the house would agree to the resolution of the committee was accordingly postponed to the next day, when it was again moved and S. Carolina concurred in voting for it. In the meantime a third member had come post from the Delaware counties [1] and turned the vote of that colony in favour of the resolution. Members [2] of a different sentiment attending that morning from Pennsylvania also, their vote was changed, so that the whole 12 colonies who were authorized to vote at all, gave their voices for it; and within a few days,[3] the convention of N. York approved of it and thus supplied the void occasioned by the withdrawing of her delegates from the vote.

Congress proceeded the same day [4] to consider the

[1] Cæsar Rodney.

[2] Dickinson and Robert Morris did not attend, Wilson changed his vote, and with Franklin and Morton, outvoted Willing and Humphreys.

[3] July 9th.

[4] Monday, July 1st. No sitting was held on Saturday.

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declaration of Independance which had been reported & lain on the table the Friday preceding, and on Monday referred to a commee of the whole. The pusillanimous idea that we had friends in England worth keeping terms with, still haunted the minds of many. For this reason those passages which conveyed censures on the people of England were struck out, lest they should give them offence. The clause too, reprobating the enslaving the inhabitants of Africa, was struck out in complaisance to South Carolina and Georgia, who had never attempted to restrain the importation of slaves, and who on the contrary still wished to continue it. Our northern brethren also I believe felt a little tender under those censures; for tho' their people have very few slaves themselves yet they had been pretty considerable carriers of them to others. The debates having taken up the greater parts of the 2d 3d & 4th days of July were,[1] in the evening of the last, closed the declaration was reported by the commee, agreed to by the house and signed by every member present except Mr. Dickinson.[2] As the sentiments of men are known not only by what they receive, but what they

[1] The "Resolution" for independence was under discussion on the 1st of July. The declaration on July 2d, 3d, and 4th.

[2] The question whether the declaration was signed on the 4th of July, as well as on the 2d of August, has been a much vexed one, but a careful study of it must make almost certain that it was not. The MS. *Journal of Congress* (that printed by order of Congress being fabricated and altered) merely required its "authentication," which we know from other cases was by the signatures of the president and secretary; who accordingly signed it "by order and in behalf of the Congress," and the printed copies at once sent out had only these signatures. It is also certain that several of the members then in Con-

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reject also, I will state the form of the declaration as originally reported. The parts struck out by Congress shall be distinguished by a black line drawn under them; & those inserted by them shall be placed in the margin or in a concurrent column.[1]

gress would have refused to sign it on that day, and that the Congress therefore had good cause to postpone the signing till certain of the delegations should receive new instructions, or be changed; and also till its first effect on the people might be seen. For these reasons the declaration was not even entered in the journal, though a blank was left for it, and when it was inserted at a later period, the list of signers was taken from the engrossed copy, though had there been one signed on the 4th of July it would certainly have been the one printed from, as including the men who were in Congress on that day and who voted on the question, instead of one signed by a number of men who were neither present nor members when the declaration was adopted. Moreover, though the printed journal afterwards led John Adams to believe and state that the declaration was signed on the 4th, we have his contemporary statement, on July 9th, that "as soon as an American seal is prepared, I conjecture the Declaration will be subscribed by all the members." And we have the positive denial of McKean that "no person signed it on that day," and this statement is substantiated by the later action of Congress in specially permitting him to sign what he certainly would have already done on the 4th, had there been the opportunity. Opposed to these direct statements and probabilities, we have Jefferson's positive statement, three times repeated, that such a signing took place, but as he follows his nearly contemporary one with the statements that it was "signed by every member present except Mr. Dickinson," when we have proof positive that all the New York delegates refused to even vote, much less sign, and that Dickinson was not even present in Congress on that day, it is evident that this narrative is not wholly trustworthy.

[1] "I expected you had in the Preamble to our form of Government, exhausted the subject of complaint agt Geo. 3d & was at a loss to discover what Congress would do for one to their Declaration of Independence without copying, but find you have acquitted your selves very well on that score."—*E. Pendleton to Jefferson, July 22.*

"I am also obliged by ye Original Declaration of Independence, which I find your brethren have treated as they did ye Manifesto last summer—altered it much for the worse; their hopes of a Reconciliation might restrain them from plain truths then, but what could cramp them now?"—*E. Pendleton to Jefferson, Aug. 10, 1776.*

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A DECLARATION BY THE REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN GENERAL CONGRESS ASSEMBLED

When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate & equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: that all men are created equal; that they are endowed by their creator with inherent and inalienable certain rights; that among these are life, liberty, & the pursuit of happiness: that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, & to institute new government, laying it's foundation on such principles, & organizing it's powers in such form, as to them shall seem most likely to effect their safety & happiness. Prudence indeed will dictate that governments long established should not be changed for light & transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are

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accustomed. But when a long train of abuses & usurpations begun at a distinguished period and pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty to throw off such government, & to provide new guards for their future security. Such has been the patient sufferance of these colonies; & such is now the necessity which constrains them to expunge their former systems of government. The history of the present king of Great Britain is a history of unremitting injuries & usurpations, among which appears no solitary fact to contradict the uniform tenor of the rest but all have in direct object the establishment of an absolute tyranny over these states. To prove this let facts be submitted to a candid world for the truth of which we pledge a faith yet unsullied by falsehood.

alter

repeated

all having

He has refused his assent to laws the most wholesome & necessary for the public good.

He has forbidden his governors to pass laws of immediate & pressing importance, unless suspended in their operation till his assent should be obtained; & when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them, & formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the deposi-

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tory of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly & continually for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time after such dissolutions to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise, the state remaining in the meantime exposed to all the dangers of invasion from without & convulsions within.

He has endeavored to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners, refusing to pass others to encourage their migrations hither, & raising the conditions of new appropriations of lands.

He has suffered the administration of justice totally to cease in some of these states refusing his assent to laws for establishing judiciary powers. obstructed by

He has made our judges dependant on his will alone, for the tenure of their offices, & the amount & paiment of their salaries.

He has erected a multitude of new offices by a self assumed power and sent hither swarms of new officers to harass our people and eat out their substance.

He has kept among us in times of peace standing armies and ships of war without the consent of our legislatures.

He has affected to render the military independant of, & superior to the civil power.

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He has combined with others to subject us to a jurisdiction foreign to our constitutions & unacknowledged by our laws, giving his assent to their acts of pretended legislation for quartering large bodies of armed troops among us; for protecting them by a mock-trial from punishment for any murders which they should commit on the inhabitants of these states; for cutting off our trade with all parts of the world; for imposing taxes on us without our consent; for depriving us [ ] of the benefits of trial by jury; for transporting us beyond seas to be tried for pretended offences; for abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging it's boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these states; for taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments; for suspending our own legislatures, & declaring themselves invested with power to legislate for us in all cases whatsoever.

in many cases

colonies

He has abdicated government here withdrawing his governors, and declaring us out of his allegiance & protection.

by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, & destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to compleat the works of death, desolation & tyranny already begun with circum-

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stances of cruelty and perfidy [ ] unworthy the head of a civilized nation.

scarcely paralleled in the most barbarous ages, & totally

He has constrained our fellow citizens taken captive on the high seas to bear arms against their country, to become the executioners of their friends & brethren, or to fall themselves by their hands.

He has [ ] endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, & conditions of existence.

excited domestic insurrection among us, & has

He has incited treasonable insurrections of our fellow-citizens, with the allurements of forfeiture & confiscation of our property.

He has waged cruel war against human nature itself, violating it's most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating & carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobium of INFIDEL powers, is the warfare of the CHRISTIAN king of Great Britain. Determined to keep open a market where MEN should be bought & sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce. And that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people on whom he also obtruded them: thus paying

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off former crimes committed against the LIBERTIES of one people, with crimes which he urges them to commit against the LIVES of another.

In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injuries.

A prince whose character is thus marked by every act which may define a tyrant is unfit to be the ruler
free of a [ ] people who mean to be free. Future ages will scarcely believe that the hardiness of one man adventured, within the short compass of twelve years only, to lay a foundation so broad & so undisguised for tyranny over a people fostered & fixed in principles of freedom.

Nor have we been wanting in attention to our British brethren. We have warned them from time
an unwarrantable to time of attempts by their legislature to
us extend a jurisdiction over these our states. We have reminded them of the circumstances of our emigration & settlement here, no one of which could warrant so strange a pretension: that these were effected at the expense of our own blood & treasure, unassisted by the wealth or the strength of Great Britain: that in constituting indeed our several forms of government, we had adopted one common king, thereby laying a foundation for perpetual league & amity with them: but that submission to their parliament was no part of our constitution, nor ever in
have idea, if history may be credited: and, we [ ]
and we have conjured them by appealed to their native justice and magnanimity as well as to the ties of our common

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kindred to disavow these usurpations which were likely to interrupt our connection and correspondence. They too have been deaf to the voice of justice & of consanguinity, and when occasions have been given them, by the regular course of their laws, of removing from their councils the disturbers of our harmony, they have, by their free election, re-established them in power. At this very time too they are permitting their chief magistrate to send over not only soldiers of our common blood, but Scotch & foreign mercenaries to invade & destroy us. These facts have given the last stab to agonizing affection, and manly spirit bids us to renounce forever these unfeeling brethren. We must endeavor to forget our former love for them, and hold them as we hold the rest of mankind, enemies in war, in peace friends. We might have been a free and a great people together; but a communication of grandeur & of freedom it seems is below their dignity. Be it so, since they will have it. The road to happiness & to glory is open to us too. We will tread it apart from them, and acquiesce in the necessity which denuonces our eternal separation [ ] !

would inevitably

We must therefore and hold them as we hold the rest of mankind, enemies in war, in peace friends.

We therefore the representatives of the United States of America in General Congress assembled do in the name & by authority of the good people of these states reject &

We therefore the representatives of the United States of America in General Congress assembled, appealing to the supreme judge of the world for the rectitude of our inten-

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renounce all allegiance & subjection to the kings of Great Britain & all others who may hereafter claim by, through or under them: we utterly dissolve all political connection which may heretofore have subsisted between us & the people or parliament of Great Britain: & finally we do assert & declare these colonies to be free & independent states, & that as free & independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, & to do all other acts & things which independent states may of right do.

And for the support of this declaration we mutually pledge to each other our lives, our fortunes, & our sacred honor.

tions, do in the name, & by the authority of the good people of these colonies, solemnly publish & declare that these united colonies are & of right ought to be free & independent states; that they are absolved from all allegiance to the British crown, and that all political connection between them & the state of Great Britain is, & ought to be, totally dissolved; & that as free & independent states they have full power to levy war, conclude peace, contract alliances, establish commerce & to do all other acts & things which independant states may of right do.

And for the support of this declaration, with a firm reliance on the protection of divine providence we mutually pledge to each other our lives, our fortunes, & our sacred honor.[1]

[1] This is printed just as Jefferson prepared it for the press. By

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The Declaration thus signed on the 4th, on paper was engrossed on parchment, & signed again on the 2d. of August.[1]

On Friday July 12. the Committee appointed to draw the articles of confederation reported them, and on the 22d. the house resolved themselves into a committee to take them into consideration. On the 30th. & 31st. of that month & 1st. of the ensuing, those articles were debated which determined the proportion or quota of money which each state should furnish to the common treasury, and the manner of voting in Congress. The first of these articles was expressed in the original draught in these words.[2] "Art. XI. All charges of war & all

comparing it with the text as printed *post*, under July 4, 1776, it will be seen that he took the liberty of somewhat changing and even expunging portions.

[1] This is an interlineation made at a later period—apparently after the question as to the signing of the declaration was raised. Jefferson has also written the following on a slip and pasted it on the sheet:

"Some erroneous statements of the proceedings on the declaration of independence having got before the public in latter times, Mr. Samuel A. Wells asked explanations of me, which are given in my letter to him of May 12. 19. before and now again referred to. I took notes in my place while these things were going on, and at their close wrote them out in form and with correctness and from 1 to 7 of the two preceding sheets are the originals then written; as the two following are of the earlier debates on the Confederation, which I took in like manner."

[2] In the *Works of John Adams* (ii., 492) are printed his memoranda of the debates on the confederation, wherein he has recorded the following sentences from Jefferson's speeches on that subject: Article 14. "The limits of the Southern Colonies are fixed. Moves an amendment, that all purchases of lands, not within the boundaries of any Colony, shall be made by Congress of the Indians in a great Council." Article 15. "What are reasonable limits? What security have we, that the Congress will not curtail the present settlements of the States?

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other expenses that shall be incurred for the common defence, or general welfare, and allowed by the United States assembled, shall be defrayed out of a common treasury, which shall be supplied by the several colonies in proportion to the number of inhabitants of every age, sex & quality, except Indians not paying taxes, in each colony, a true account of which, distinguishing the white inhabitants, shall be triennially taken & transmitted to the Assembly of the United States."

Mr. [Samuel] Chase moved that the quotas should be fixed, not by the number of inhabitants of every condition, but by that of the "white inhabitants." He admitted that taxation should be alwais in proportion to property, that this was in theory the true rule, but that from a variety of difficulties, it was a rule which could never be adopted in practice. The value of the property in every State could never be estimated justly & equally. Some other measure for the wealth of the State must therefore be devised, some standard referred to which would be more simple. He considered the number of inhabitants as a tolerably good criterion of property, and that this might alwais be obtained. He therefore thought it the best mode which we could adopt, with one exception only. He observed that negroes are prop-

I have no doubt that the colonies will limit themselves." Article 16. "Thinks the Congress will have a short meeting in the Fall and another in the Spring." Article 17. "Explains it to mean the Indians who live in the Colony. These are subject to the laws in some degree. . . . I protest against the right of Congress to decide upon the right of Virginia. Virginia has released all claims to lands settled by Maryland, &c."

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erty, and as such cannot be distinguished from the lands or personalities held in those States where there are few slaves, that the surplus of profit which a Northern farmer is able to lay by, he invests in cattle, horses, &c. whereas a Southern farmer lays out that same surplus in slaves. There is no more reason therefore for taxing the Southern states on the farmer's head, & on his slave's head, than the Northern ones on their farmer's heads & the heads of their cattle, that the method proposed would therefore tax the Southern states according to their numbers & their wealth conjunctly, while the Northern would be taxed on numbers only: that negroes in fact should not be considered as members of the state more than cattle & that they have no more interest in it.

Mr. John Adams observed that the numbers of people were taken by this article as an index of the wealth of the state, & not as subjects of taxation, that as to this matter it was of no consequence by what name you called your people, whether by that of freemen or of slaves. That in some countries the labouring poor were called freemen, in others they were called slaves; but that the difference as to the state was imaginary only. What matters it whether a landlord employing ten labourers in his farm, gives them annually as much money as will buy them the necessaries of life, or gives them those necessaries at short hand. The ten labourers add as much wealth annually to the state increase it's exports as much in the one case as the other. Certainly 500 freemen produce no more profits, no greater surplus for the

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paiment of taxes than 500 slaves. Therefore the state in which are the labourers called freemen should be taxed no more than that in which are those called slaves. Suppose by any extraordinary operation of nature or of law one half the labourers of a state could in the course of one night be transformed into slaves: would the state be made the poorer or the less able to pay taxes? That the condition of the laboring poor in most countries, that of the fishermen particularly of the Northern states, is as abject as that of slaves. It is the number of labourers which produce the surplus for taxation, and numbers therefore indiscriminately, are the fair index of wealth. That it is the use of the word "property" here, & it's application to some of the people of the state, which produces the fallacy. How does the Southern farmer procure slaves? Either by importation or by purchase from his neighbor. If he imports a slave, he adds one to the number of labourers in his country, and proportionably to it's profits & abilities to pay taxes. If he buys from his neighbor it is only a transfer of a labourer from one farm to another, which does not change the annual produce of the state, & therefore should not change it's tax. That if a Northern farmer works ten labourers on his farm, he can, it is true, invest the surplus of ten men's labour in cattle: but so may the Southern farmer working ten slaves. That a state of one hundred thousand freemen can maintain no more cattle than one of one hundred thousand slaves. Therefore they have no more of that kind of property. That a slave may indeed from the custom of

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speech be more properly called the wealth of his master, than the free labourer might be called the wealth of his employer: but as to the state, both were equally it's wealth, and should therefore equally add to the quota of it's tax.

Mr. [Benjamin] Harrison proposed as a compromise, that two slaves should be counted as one freeman. He affirmed that slaves did not do so much work as freemen, and doubted if two effected more than one. That this was proved by the price of labor. The hire of a labourer in the Southern colonies being from 8 to £12. while in the Northern it was generally £24.

Mr. [James] Wilson said that if this amendment should take place the Southern colonies would have all the benefit of slaves, whilst the Northern ones would bear the burthen. That slaves increase the profits of a state, which the Southern states mean to take to themselves; that they also increase the burthen of defence, which would of course fall so much the heavier on the Northern. That slaves occupy the places of freemen and eat their food. Dismiss your slaves & freemen will take their places. It is our duty to lay every discouragement on the importation of slaves; but this amendment would give the jus trium liberorum to him who would import slaves. That other kinds of property were pretty equally distributed thro' all the colonies: there were as many cattle, horses, & sheep, in the North as the South, & South as the North; but not so as to slaves. That experience has shown that those colonies have been alwais able to pay most which have the most inhabitants, whether they be

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black or white, and the practice of the Southern colonies has alwais been to make every farmer pay poll taxes upon all his labourers whether they be black or white. He acknowledges indeed that freemen work the most; but they consume the most also. They do not produce a greater surplus for taxation. The slave is neither fed nor clothed so expensively as a freeman. Again white women are exempted from labor generally, but negro women are not. In this then the Southern states have an advantage as the article now stands. It has sometimes been said that slavery is necessary because the commodities they raise would be too dear for market if cultivated by freemen; but now it is said that the labor of the slave is the dearest.

Mr. Payne [1] urged the original resolution of Congress, to proportion the quotas of the states to the number of souls.

Dr. [John] Witherspoon was of opinion that the value of lands & houses was the best estimate of the wealth of a nation, and that it was practicable to obtain such a valuation. This is the true barometer of wealth. The one now proposed is imperfect in itself, and unequal between the States. It has been objected that negroes eat the food of freemen & therefore should be taxed. Horses also eat the food of freemen; therefore they also should be taxed. It has been said too that in carrying slaves into the estimate of the taxes the state is to pay, we do no more than those states themselves do, who alwais take slaves into the estimate of the taxes the individual is to pay. But

[1] Robert Treat Paine.

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the cases are not parallel. In the Southern colonies slaves pervade the whole colony; but they do not pervade the whole continent. That as to the original resolution of Congress to proportion the quotas according to the souls, it was temporary only, & related to the monies heretofore emitted: whereas we are now entering into a new compact, and therefore stand on original ground.

Aug. 1. The question being put the amendment proposed was rejected by the votes of N. Hampshire, Massachusetts, Rhode island, Connecticut, N. York, N. Jersey, & Pennsylvania, against those of Delaware, Maryland, Virginia, North & South Carolina. Georgia was divided.

The other article was in these words. "Art. XVII. In determining questions each colony shall have one vote."

July 30. 31. Aug. 1. Present 41. members. Mr. Chase observed that this article was the most likely to divide us of any one proposed in the draught then under consideration. That the larger colonies had threatened they would not confederate at all if their weight in congress should not be equal to the numbers of people they added to the confederacy; while the smaller ones declared against a union if they did not retain an equal vote for the protection of their rights. That it was of the utmost consequence to bring the parties together, as should we sever from each other, either no foreign power will ally with us at all, or the different states will form different alliances, and thus increase the horrors of those scenes of civil war and bloodshed which in such a state of

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separation & independance would render us a miserable people. That our importance, our interests, our peace required that we should confederate, and that mutual sacrifices should be made to effect a compromise of this difficult question. He was of opinion the smaller colonies would lose their rights, if they were not in some instances allowed an equal vote; and therefore that a discrimination should take place among the questions which would come before Congress.[1] That the smaller states should be secured in all questions concerning life or liberty & the greater ones in all respecting property. He therefore proposed that in votes relating to money, the voice of each colony should be proportioned to the number of its inhabitants.

Dr. Franklin [2] thought that the votes should be so proportioned in all cases. He took notice that the Delaware counties had bound up their Delegates to disagree to this article. He thought it a very extraordinary language to be held by any state, that they would not confederate with us unless we would let them dispose of our money. Certainly if we vote equally we ought to pay equally; but the smaller states will hardly purchase the privilege at this price. That had he lived in a state where the representation, originally equal, had become unequal by time & accident he might have submitted rather than disturb government; but that we should be very wrong to set out in this practice when it is in our power to establish what is right. That at the time of the

[1] "He therefore proposed" struck out in MS. by author.
[2] "Seconded the proposition" struck out in MS. by author.

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Union between England and Scotland the latter had made the objection which the smaller states now do. But experience had proved that no unfairness had ever been shown them. That their advocates had prognosticated that it would again happen as in times of old, that the whale would swallow Jonas, but he thought the prediction reversed in event and that Jonas had swallowed the whale, for the Scotch had in fact got possession of the government and gave laws to the English. He reprobated the original agreement of Congress to vote by colonies and therefore was for their voting in all cases according to the number of taxables.[1]

Dr. Witherspoon opposed every alteration of the article. All men admit that a confederacy is necessary. Should the idea get abroad that there is likely to be no union among us, it will damp the minds of the people, diminish the glory of our struggle, & lessen it's importance; because it will open to our view future prospects of war & dissension among ourselves. If an equal vote be refused, the smaller states will become vassals to the larger; & all experience has shown that the vassals & subjects of free states are the most enslaved. He instanced the Helots of Sparta & the provinces of Rome. He observed that foreign powers discovering this blemish would make it a handle for disengaging the smaller states from so unequal a confederacy. That the colonies should in fact be considered as individuals; and that as such, in all disputes they should have an

[1] "So far going beyond Mr. Chase's proposition," struck out in MS. by author.

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equal vote; that they are now collected as individuals making a bargain with each other, & of course had a right to vote as individuals. That in the East India company they voted by persons, & not by their proportion of stock. That the Belgic confederacy voted by provinces. That in questions of war the smaller states were as much interested as the larger, & therefore should vote equally; and indeed that the larger states were more likely to bring war on the confederacy in proportion as their frontier was more extensive. He admitted that equality of representation was an excellent principle, but then it must be of things which are co-ordinate; that is, of things similar & of the same nature: that nothing relating to individuals could ever come before Congress; nothing but what would respect colonies. He distinguished between an incorporating & a federal union. The union of England was an incorporating one; yet Scotland had suffered by that union: for that it's inhabitants were drawn from it by the hopes of places & employments. Nor was it an instance of equality of representation; because while Scotland was allowed nearly a thirteenth of representation they were to pay only one fortieth of the land tax. He expressed his hopes that in the present enlightened state of men's minds we might expect a lasting confederacy, if it was founded on fair principles.

John Adams advocated the voting in proportion to numbers. He said that we stand here as the representatives of the people. That in some states the people are many, in others they are few; that

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therefore their vote here should be proportioned to the numbers from whom it comes. Reason, justice, & equity never had weight enough on the face of the earth to govern the councils of men. It is interest alone which does it, and it is interest alone which can be trusted. That therefore the interests within doors should be the mathematical representatives of the interests without doors. That the individuality of the colonies is a mere sound. Does the individuality of a colony increase it's wealth or numbers. If it does, pay equally. If it does not add weight in the scale of the confederacy, it cannot add to their rights, nor weigh in argument. A. has £50. B. £500. C. £1000. in partnership. Is it just they should equally dispose of the monies of the partnership? It has been said we are independent individuals making a bargain together. The question is not what we are now, but what we ought to be when our bargain shall be made. The confederacy is to make us one individual only; it is to form us, like separate parcels of metal, into one common mass. We shall no longer retain our separate individuality, but become a single individual as to all questions submitted to the confederacy. Therefore all those reasons which prove the justice & expediency of equal representation in other assemblies, hold good here. It has been objected that a proportional vote will endanger the smaller states. We answer that an equal vote will endanger the larger. Virginia, Pennsylvania, & Massachusetts are the three greater colonies. Consider their distance, their difference of produce, of interests & of manners, & it is apparent they can

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never have an interest or inclination to combine for the oppression of the smaller. That the smaller will naturally divide on all questions with the larger. Rhode isld, from it's relation, similarity & intercourse will generally pursue the same objects with Massachusetts; Jersey, Delaware & Maryland, with Pennsylvania.

Dr. [Benjamin] Rush took notice that the decay of the liberties of the Dutch republic proceeded from three causes. 1. The perfect unanimity requisite on all occasions. 2. Their obligation to consult their constituents. 3. Their voting by provinces. This last destroyed the equality of representation, and the liberties of great Britain also are sinking from the same defect. That a part of our rights is deposited in the hands of our legislatures. There it was admitted there should be an equality of representation. Another part of our rights is deposited in the hands of Congress: why is it not equally necessary there should be an equal representation there? Were it possible to collect the whole body of the people together, they would determine the questions submitted to them by their majority. Why should not the same majority decide when voting here by their representatives? The larger colonies are so providentially divided in situation as to render every fear of their combining visionary. Their interests are different, & their circumstances dissimilar. It is more probable they will become rivals & leave it in the power of the smaller states to give preponderance to any scale they please. The voting by the number of free inhabitants will have one excellent effect, that

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of inducing the colonies to discourage slavery & to encourage the increase of their free inhabitants.

Mr. [Stephen] Hopkins observed there were 4 larger, 4 smaller, & 4 middle-sized colonies. That the 4 largest would contain more than half the inhabitants of the confederated states, & therefore would govern the others as they should please. That history affords no instance of such a thing as equal representation. The Germanic body votes by states. The Helvetic body does the same; & so does the Belgic confederacy. That too little is known of the ancient confederations to say what was their practice.

Mr. Wilson thought that taxation should be in proportion to wealth, but that representation should accord with the number of freemen. That government is a collection or result of the wills of all. That if any government could speak the will of all, it would be perfect; and that so far as it departs from this it becomes imperfect. It has been said that Congress is a representation of states; not of individuals. I say that the objects of its care are all the individuals of the states. It is strange that annexing the name of "State" to ten thousand men, should give them an equal right with forty thousand. This must be the effect of magic, not of reason. As to those matters which are referred to Congress, we are not so many states, we are one large state. We lay aside our individuality, whenever we come here. The Germanic body is a burlesque on government; and their practice on any point is a sufficient authority & proof that it is wrong. The greatest

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imperfection in the constitution of the Belgic confederacy is their voting by provinces. The interest of the whole is constantly sacrificed to that of the small states. The history of the war in the reign of Q. Anne sufficiently proves this. It is asked shall nine colonies put it into the power of four to govern them as they please? I invert the question, and ask shall two millions of people put it in the power of one million to govern them as they please? It is pretended too that the smaller colonies will be in danger from the greater. Speak in honest language & say the minority will be in danger from the majority. And is there an assembly on earth where this danger may not be equally pretended? The truth is that our proceedings will then be consentaneous with the interests of the majority, and so they ought to be. The probability is much greater that the larger states will disagree than that they will combine. I defy the wit of man to invent a possible case or to suggest any one thing on earth which shall be for the interests of Virginia, Pennsylvania & Massachusetts, and which will not also be for the interest of the other states.[1]

These articles reported July 12. 76 were debated

[1] Here end the notes which Jefferson states were taken "while these things were going on, and at their close" were "written out in form and with correctness." Much of their value depends on the date of their writing, but there is nothing to show this, except negative evidence. The sheets were all written at the same time, which makes the writing after Aug. 1, 1776; while the misstatements as to the signing, and as to Dickinson's presence, would seem almost impossible unless greater time even than this had elapsed between the occurrence and the notes. The MS. is, moreover, considerably corrected and interlined, which would hardly be the case if merely a transcript of rough notes.

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from day to day, & time to time for two years, were ratified July 9, '78, by 10 states, by N. Jersey on the 26th. of Nov. of the same year, and by Delaware on the 23d. of Feb. following. Maryland alone held off 2 years more, acceding to them Mar 1, 81. and thus closing the obligation.

Our delegation had been renewed for the ensuing year commencing Aug. 11. but the new government was now organized, a meeting of the legislature was to be held in Oct. and I had been elected a member by my county. I knew that our legislation under the regal government had many very vicious points which urgently required reformation, and I thought I could be of more use in forwarding that work. I therefore retired from my seat in Congress on the 2d. of Sep. resigned it, and took my place in the legislature of my state, on the 7th. of October.

On the 11th.[1] I moved for leave to bring in a bill for the establishment of courts of justice, the organization of which was of importance; I drew the bill it was approved by the commee, reported and passed after going thro' it's due course.[2]

[1] *Ordered*, That leave be given to bring in a bill *For the establishment of courts of justice* within this Commonwealth, and that Mr. *Jefferson*, Mr. *Smith*, Mr. *Bullitt*, Mr. *Fleming*, Mr. *Watts*, Mr. *Williams*, Mr. *Gray*, Mr. *Bland*, Mr. *Braxton*, and Mr. *Curle* do prepare and bring in the same.—*Journal of the House of Delegates, 1776*, p. 12.

[2] This is erroneously stated. After the committee was formed they were directed by the House of Delegates to "divide the subject thereof into five distinct bills." Three of these. ("Appeals," "Chancery," and "Assize") were introduced by Jefferson Nov. 25, 1776, and the other two ("Admiralty" and "County") Dec. 4, 1776. All but the "Admiralty" (which was promptly passed) encountered bitter opposition, (see note to: Bill for suspending execution for debt, Dec. 6, 1776), and none were acted upon at this session, nor at the succeeding one. On

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On the 12th. I obtained leave to bring in a bill declaring tenants in tail to hold their lands in fee simple.[1] In the earlier times of the colony when lands were to be obtained for little or nothing, some provident individuals procured large grants, and, desirous of founding great families for themselves, settled them on their descendants in fee-tail. The transmission of this property from generation to generation in the same name raised up a distinct set of families who, being privileged by law in the perpetuation of their wealth were thus formed into a Patrician order, distinguished by the splendor and luxury of their establishments. From this order too the king habitually selected his Counsellors of State, the hope of which distinction devoted the whole corps to the interests & will of the crown. To annul this privilege, and instead of an aristocracy of wealth, of more harm and danger, than benefit, to society, to make an opening for the aristocracy of virtue and talent, which nature has wisely provided for the direction of the interests of society, & scattered with equal hand through all it's conditions, was deemed essential to a well ordered republic. To effect it no violence was necessary, no deprivation of natural right, but rather an enlargement of it by a repeal of the law. For this would authorize the present holder to divide the property among his

Oct. 30, 1777, fresh leave was granted to introduce bills establishing Courts of Appeals, "General Court and Court of Assize" and Chancery. The latter two were passed at this session, and the first passed at the first session in 1778. They are all printed in *A Collection of the Public Acts of Virginia.* Richmond, 1785, pp. 66, 70, 84.

[1] See *post*, Oct. 12, 1776.

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children equally, as his affections were divided; and would place them, by natural generation on the level of their fellow citizens. But this repeal was strongly opposed by Mr. Pendleton, who was zealously attached to ancient establishments; and who, taken all in all, was the ablest man in debate I have ever met with. He had not indeed the poetical fancy of Mr. Henry, his sublime imagination, his lofty and overwhelming diction; but he was cool, smooth and persuasive; his language flowing, chaste & embellished, his conceptions quick, acute and full of resource; never vanquished; for if he lost the main battle, he returned upon you, and regained so much of it as to make it a drawn one, by dexterous manœuvres, skirmishes in detail, and the recovery of small advantages which, little singly, were important altogether. You never knew when you were clear of him, but were harassed by his perseverance until the patience was worn down of all who had less of it than himself. Add to this that he was one of the most virtuous & benevolent of men, the kindest friend, the most amiable & pleasant of companions, which ensured a favorable reception to whatever came from him. Finding that the general principles of entails could not be maintained, he took his stand on an amendment which he proposed, instead of an absolute abolition, to permit the tenant in tail to convey in fee simple, if he chose it: and he was within a few votes of saving so much of the old law. But the bill passed finally for entire abolition.

In that one of the bills for organizing our judiciary system which proposed a court of chancery, I had

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provided for a trial by jury of all matters of fact in that as well as in the courts of law. He defeated it by the introduction of 4. words only, "*if either party chuse.*" [1] The consequence has been that as no suitor will say to his judge, "Sir, I distrust you, give me a jury" juries are rarely, I might say perhaps never seen in that court, but when called for by the Chancellor of his own accord.

The first establishment in Virginia which became permanent was made in 1607. I have found no mention of negroes in the colony until about 1650. The first brought here as slaves were by a Dutch ship; after which the English commenced the trade and continued it until the revolutionary war. That suspended, ipso facto, their further importation for the present, and the business of the war pressing constantly on the legislature, this subject was not acted on finally until the year 78. when I brought in a bill to prevent their further importation.[2] This

[1] This was one of the five bills into which the committee by order of the House of Delegates divided the law for the establishment of courts of justice (see *Journal of the House of Delegates*, p. 69). But the original draft of the bill (which is not in Jefferson's handwriting) in the Virginia State Archives contains only the clause concerning juries in the bill as passed, which was to the effect that by mutual agreement of the parties the case could be submitted to the judge, without the calling of a jury, but otherwise a jury trial should be given; such having been the law before the extinction of the courts by the revolutionary conflict. Moreover, with the rough draft of the bill already alluded to, is a separate paper, in Pendleton's handwriting, containing his amendments to the bill, which does not alter in any way the jury system in the original bill.

[2] This is erroneously stated. The earliest step towards this limitation was the permission of the House of Delegates, Nov. 8, 1777, to John Henry and Starke to introduce a bill "to prohibit the importation of slaves." On Nov. 22d, Henry introduced a bill which was read

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passed without opposition, and stopped the increase of the evil by importation, leaving to future efforts its final eradication.

The first settlers of this colony were Englishmen, loyal subjects to their king and church, and the grant to Sr. Walter Raleigh contained an express Proviso that their laws "should not be against the true Christian faith, now professed in the church of England." As soon as the state of the colony admitted, it was divided into parishes, in each of which was established a minister of the Anglican church, endowed with a fixed salary, in tobacco, a glebe house and land with the other necessary appendages. To meet these expenses all the inhabitants of the parishes were assessed, whether they were or not, members of the established church. Towards Quakers who came here they were most cruelly intolerant, driving them from the colony by the severest penalties. In process of time however, other sectarisms were introduced, chiefly of the Presbyterian family; and the established clergy, secure for life in their glebes and salaries, adding to these generally the emoluments of a classical school, found employment

for a first and second time on that day, and then postponed from time to time till the end of the session. In the next session, the matter was taken up *de novo*, on Oct. 15, 1778, by the House of Delegates ordering the committee of trade to prepare a new bill. It was introduced by Kella as chairman of the committee on Oct. 15th, passed on Oct. 22d, amended by the Senate on the 23d, and finally concurred in by the House, Oct. 27, 1778. Jefferson thus clearly had nothing to do with the first bill, and, as he did not take his seat at the second session till Nov. 30th, it is equally certain he had nothing to do with the one which was adopted.—See *Journal of the House of Delegates* for 1777, pp. 17, 40; for 1778, pp. 11, 13, 19, 23. The original draft of the bill, now in the Virginia State Archives, is not in Jefferson's handwriting.

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enough, in their farms and schoolrooms for the rest of the week, and devoted Sunday only to the edification of their flock, by service, and a sermon at their parish church. Their other pastoral functions were little attended to. Against this inactivity the zeal and industry of sectarian preachers had an open and undisputed field; and by the time of the revolution, a majority of the inhabitants had become dissenters from the established church, but were still obliged to pay contributions to support the Pastors of the minority. This unrighteous compulsion to maintain teachers of what they deemed religious errors was grievously felt during the regal government, and without a hope of relief. But the first republican legislature which met in 76. was crowded with petitions to abolish this spiritual tyranny. These brought on the severest contests in which I have ever been engaged. Our great opponents were Mr. Pendelton & Robert Carter Nicholas, honest men, but zealous churchmen. The petitions were referred to the commee of the whole house on the state of the country; and after desperate contests in that committee, almost daily from the 11th of Octob.[1] to the 5th of December, we prevailed so far only as to repeal the laws which rendered criminal the maintenance of any religious opinions, the forbearance of repairing to church, or the exercise of any mode of worship: and

[1] An error. These petitions were invariably referred to the "Committee of Religion" consisting of nineteen members (including Jefferson) appointed Oct. 11, 1776. See *Journal of the House of Delegates*, pp. 7, 24, 26, 35, 47. On Nov. 9th, however, that committee was "discharged" of this question and it was referred to the "Committee of the Whole House upon the State of the Country."

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further, to exempt dissenters from contributions to the support of the established church; and to suspend, only until the next session levies on the members of that church for the salaries of their own incumbents. For although the majority of our citizens were dissenters, as has been observed, a majority of the legislature were churchmen. Among these however were some reasonable and liberal men, who enabled us, on some points, to obtain feeble majorities. But our opponents carried in the general resolutions of the commee of Nov. 19. a declaration that religious assemblies ought to be regulated, and that provision ought to be made for continuing the succession of the clergy, and superintending their conduct. And in the bill now passed [1] was inserted an express reservation of the question Whether a general assessment should not be established by law, on every one, to the support of the pastor of his choice; or whether all should be left to voluntary contributions; and on this question, debated at every session from 76 to 79 (some of our dissenting allies, having now secured their particular object, going over to the advocates of a general assessment) we could only obtain a suspension from session to session until 79. when the question against a general assessment was finally carried, and the establishment of the Anglican

[1] Entitled: "An Act for exempting the different societies of dissenters from contributing to the support and maintenance of the church as by law established, and its ministers, and for other purposes therein mentioned." Passed by the House of Delegates, Dec. 5th. Concurred in by the Senate Dec. 9th. Re-enacted Jan. 1, 1778. It is printed in *A Collection of Public Acts of Virginia*, Richmond, 1785, p. 39.

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church entirely put down. In justice to the two honest but zealous opponents, who have been named I must add that altho', from their natural temperaments, they were more disposed generally to acquiesce in things as they are, then to risk innovations, yet whenever the public will had once decided, none were more faithful or exact in their obedience to it.

The seat of our government had been originally fixed in the peninsula of Jamestown, the first settlement of the colonists; and had been afterwards removed a few miles inland to Williamsburg. But this was at a time when our settlements had not extended beyond the tide water. Now they had crossed the Alleghany; and the center of population was very far removed from what it had been. Yet Williamsburg was still the depository of our archives, the habitual residence of the Governor & many other of the public functionaries, the established place for the sessions of the legislature, and the magazine of our military stores: and it's situation was so exposed that it might be taken at any time in war, and, at this time particularly, an enemy might in the night run up either of the rivers between which it lies, land a force above, and take possession of the place, without the possibility of saving either persons or things. I had proposed it's removal so early as Octob. 76.[1] but it did not prevail until the session of May. '79.

Early in the session of May 79. I prepared, and obtained leave to bring in a bill declaring who should

[1] This was moved as early as 1761, and only failed by a vote of 35 to 36. A second attempt was made Feb. 10, 1772.—*Journal of the House of Burgesses.* *Cf. post*, Oct. 14, 1776.

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be deemed citizens, asserting the natural right of expatriation, and prescribing the mode of exercising it. This, when I withdrew from the house on the 1st of June following, I left in the hands of George Mason and it was passed on the 26th of that month.[1]

In giving this account of the laws of which I was myself the mover & draughtsman, I by no means mean to claim to myself the merit of obtaining their passage. I had many occasional and strenuous coadjutors in debate, and one most steadfast, able, and zealous; who was himself a host. This was George Mason, a man of the first order of wisdom among those who acted on the theatre of the revolution, of expansive mind, profound judgment, cogent in argument, learned in the lore of our former constitution, and earnest for the republican change on democratic principles. His elocution was neither flowing nor smooth, but his language was strong, his manner most impressive, and strengthened by a dash of biting cynicism when provocation made it seasonable.

Mr. Wythe, while speaker in the two sessions of 1777. between his return from Congress and his appointment to the Chancery, was an able and constant associate in whatever was before a committee of the whole. His pure integrity, judgment and reasoning powers gave him great weight. Of him see more in some notes inclosed in my letter of August 31, 1821, to Mr. John Saunderson.

Mr. Madison came into the House in 1776. a new member and young; which circumstances, concurring

[1] Printed in the *Report of the Committee of Revisors*, p. 41.

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with his extreme modesty, prevented his venturing himself in debate before his removal to the Council of State in Nov. 77. From thence he went to Congress, then consisting of few members. Trained in these successive schools, he acquired a habit of self-possession which placed at ready command the rich resources of his luminous and discriminating mind, & of his extensive information, and rendered him the first of every assembly afterwards of which he became a member. Never wandering from his subject into vain declamation, but pursuing it closely in language pure, classical, and copious, soothing always the feelings of his adversaries by civilities and softness of expression, he rose to the eminent station which he held in the great National convention of 1787. and in that of Virginia which followed, he sustained the new constitution in all its parts, bearing off the palm against the logic of George Mason, and the fervid declamation of Mr. Henry. With these consummate powers were united a pure and spotless virtue which no calumny has ever attempted to sully. Of the powers and polish of his pen, and of the wisdom of his administration in the highest office of the nation, I need say nothing. They have spoken, and will forever speak for themselves.

So far we were proceeding in the details of reformation only; selecting points of legislation prominent in character & principle, urgent, and indicative of the strength of the general pulse of reformation. When I left Congress, in 76. it was in the persuasion that our whole code must be reviewed, adapted to our republican form of government, and, now that we

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had no negatives of Councils, Governors & Kings to restrain us from doing right, that it should be corrected, in all it's parts, with a single eye to reason, & the good of those for whose government it was framed. Early therefore[1] in the session of 76. to which I returned, I moved and presented a bill for the revision of the laws; which was passed on the 24th. of October, and on the 5th. of November Mr. Pendleton, Mr. Wythe, George Mason, Thomas L. Lee and myself were appointed a committee to execute the work. We agreed to meet at Fredericksburg to settle the plan of operation and to distribute the work. We met there accordingly, on the 13th. of January 1777. The first question was whether we should propose to abolish the whole existing system of laws, and prepare a new and complete Institute, or preserve the general system, and only modify it to the present state of things. Mr. Pendleton, contrary to his usual disposition in favor of antient things, was for the former proposition, in which he was joined by Mr. Lee. To this it was objected that to abrogate our whole system would be a bold measure, and probably far beyond the views of the legislature; that they had been in the practice of revising from time to time the laws of the colony, omitting the expired, the repealed and the obsolete, amending only those retained, and probably meant we should now do the same, only including the British statutes as well as our own: that to compose a new Institute like those of Justinian and Bracton, or that of Blackstone, which was the model proposed by Mr. Pendleton, would be an arduous

[1] Oct. 12th. *Cf.* note on this revision, *post*, under June 18, 1779.

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undertaking, of vast research, of great consideration & judgment; and when reduced to a text, every word of that text, from the imperfection of human language, and it's incompetence to express distinctly every shade of idea, would become a subject of question & chicanery until settled by repeated adjudications; that this would involve us for ages in litigation, and render property uncertain until, like the statutes of old, every word had been tried, and settled by numerous decisions, and by new volumes of reports & commentaries; and that no one of us probably would undertake such a work, which, to be systematical, must be the work of one hand. This last was the opinion of Mr. Wythe, Mr. Mason & myself. When we proceeded to the distribution of the work, Mr. Mason excused himself as, being no lawyer, he felt himself unqualified for the work, and he resigned soon after. Mr. Lee excused himself on the same ground, and died indeed in a short time. The other two gentlemen therefore and myself divided the work among us. The common law and statutes to the 4. James I. (when our separate legislature was established) were assigned to me; the British statutes from that period to the present day to Mr. Wythe, and the Virginia laws to Mr. Pendleton. As the law of Descents, & the criminal law fell of course within my portion, I wished the commee to settle the leading principles of these, as a guide for me in framing them. And with respect to the first, I proposed to abolish the law of primogeniture, and to make real estate descendible in parcenary to the next of kin, as personal property is by the statute of distribution.

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Mr. Pendleton wished to preserve the right of primogeniture, but seeing at once that that could not prevail, he proposed we should adopt the Hebrew principle, and give a double portion to the elder son. I observed that if the eldest son could eat twice as much, or do double work, it might be a natural evidence of his right to a double portion; but being on a par in his powers & wants, with his brothers and sisters, he should be on a par also in the partition of the patrimony, and such was the decision of the other members.

On the subject of the Criminal law, all were agreed that the punishment of death should be abolished, except for treason and murder; and that, for other felonies should be substituted hard labor in the public works, and in some cases, the Lex talionis. How this last revolting principle came to obtain our approbation, I do not remember. There remained indeed in our laws a vestige of it in a single case of a slave. it was the English law in the time of the Anglo-Saxons, copied probably from the Hebrew law of "an eye for an eye, a tooth for a tooth," and it was the law of several antient people. But the modern mind had left it far in the rear of it's advances. These points however being settled, we repaired to our respective homes for the preparation of the work.

Feb. 6. In the execution of my part I thought it material not to vary the diction of the antient statutes by modernizing it, nor to give rise to new questions by new expressions. The text of these statutes had been so fully explained and defined by numerous

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adjudications, as scarcely ever now to produce a question in our courts. I thought it would be useful also, in all new draughts, to reform the style of the later British statutes, and of our own acts of assembly, which from their verbosity, their endless tautologies, their involutions of case within case, and parenthesis within parenthesis, and their multiplied efforts at certainty by *saids* and *aforesaids*, by *ors* and by *ands*, to make them more plain, do really render them more perplexed and incomprehensible, not only to common readers, but to the lawyers themselves. We were employed in this work from that time to Feb. 1779, when we met at Williamsburg, that is to say, Mr. Pendleton, Mr. Wythe & myself, and meeting day by day, we examined critically our several parts, sentence by sentence, scrutinizing and amending until we had agreed on the whole. We then returned home, had fair copies made of our several parts, which were reported to the General Assembly June 18. 1779. by Mr. Wythe and myself, Mr. Pendleton's residence being distant, and he having authorized us by letter to declare his approbation. We had in this work brought so much of the Common law as it was thought necessary to alter, all the British statutes from Magna Charta to the present day, and all the laws of Virginia, from the establishment of our legislature, in the 4th. Jac. 1. to the present time, which we thought should be retained, within the compass of 126 bills, making a printed folio of 90 pages only. Some bills were taken out occasionally, from time to time, and passed; but the main body of the work was not entered on by the legislature until

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after the general peace, in 1785. when by the unwearied exertions of Mr. Madison, in opposition to the endless quibbles, chicaneries, perversions, vexations and delays of lawyers and demi-lawyers, most of the bills were passed by the legislature, with little alteration.[1]

The bill for establishing religious freedom,[2] the principles of which had, to a certain degree, been enacted before, I had drawn in all the latitude of reason & right. It still met with opposition; but, with some mutilations in the preamble, it was finally passed; and a singular proposition proved that it's protection of opinion was meant to be universal. Where the preamble declares that coercion is a departure from the plan of the holy author of our religion, an amendment was proposed, by inserting the word "Jesus Christ," so that it should read "a departure from the plan of Jesus Christ, the holy author of our religion" the insertion was rejected by a great majority, in proof that they meant to comprehend, within the mantle of it's protection, the Jew and the Gentile, the Christian and Mahometan, the Hindoo, and infidel of every denomination.

Beccaria and other writers on crimes and punishments had satisfied the reasonable world of the unrightfulness and inefficacy of the punishment of crimes by death; and hard labor on roads, canals and other public works, had been suggested as a proper substitute. The Revisors had adopted these

[1] See *Correspondence of James Madison*, i., 199, 203, 207, 212; iii., 532, 580, 583, 612.

[2] Printed in this edition under June 18, 1779.

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opinions; but the general idea of our country had not yet advanced to that point. The bill therefore for proportioning crimes and punishments was lost in the House of Delegates by a majority of a single vote.[1] I learnt afterwards that the substitute of hard labor in public was tried (I believe it was in Pennsylvania) without success. Exhibited as a public spectacle, with shaved heads and mean clothing, working on the high roads produced in the criminals such a prostration of character, such an abandonment of self-respect, as, instead of reforming, plunged them into the most desperate & hardened depravity of morals and character.—To pursue the subject of this law.—I was written to in 1785 (being then in Paris) by Directors appointed to superintend the building of a Capitol in Richmond, to advise them as to a plan, and to add to it one of a prison. Thinking it a favorable opportunity of introducing into the state an example of architecture in the classic style of antiquity, and the Maison quarrée of Nismes, an antient Roman temple, being considered as the

[1] "We went on slowly but successfully till we arrived at the bill concerning crimes and punishments. Here the adversaries of the Code exerted their whole force, which, being abetted by the impatience of its friends in an advanced stage of the session, so far prevailed that the farther prosecution of the work was postponed till the next session." —*Madison to Jefferson, January 22, 1786.* "After being altered so as to remove most of the objections, as was thought [it] was lost by a single vote. The rage against Horse-stealers had a great influence on the fate of the bill. Our old bloody code is by this event fully restored."—*Madison to Jefferson, February 15, 1787.* "In the changes made in the penal law, the Revisors were unfortunately misled into some of the specious errors of —— [Beccaria] then in the zenith of his fame as a philosophical legislator."—*Madison to Grimke, January 15, 1828.*

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most perfect model existing of what may be called Cubic architecture, I applied to M. Clerissault, who had published drawings of the Antiquities of Nismes, to have me a model of the building made in stucco, only changing the order from Corinthian to Ionic, on account of the difficulty of the Corinthian capitals. I yielded with reluctance to the taste of Clerissault, in his preference of the modern capital of Scamozzi to the more noble capital of antiquity. This was executed by the artist whom Choiseul Gouffier had carried with him to Constantinople, and employed while Ambassador there, in making those beautiful models of the remains of Grecian architecture which are to be seen at Paris. To adapt the exterior to our use, I drew a plan for the interior, with the apartments necessary for legislative, executive & judiciary purposes, and accommodated in their size and distribution to the form and dimensions of the building. These were forwarded to the Directors in 1786. and were carried into execution, with some variations not for the better, the most important of which however admit of future correction. With respect to the plan of a Prison, requested at the same time, I had heard of a benevolent society in England which had been indulged by the government in an experiment of the effect of labor in *solitary confinement* on some of their criminals, which experiment had succeeded beyond expectation. The same idea had been suggested in France, and an Architect of Lyons had proposed a plan of a well contrived edifice on the principle of solitary confinement. I procured a copy, and as it was too large

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for our purposes, I drew one on a scale, less extensive, but susceptible of additions as they should be wanting. This I sent to the Directors instead of a plan of a common prison, in the hope that it would suggest the idea of labor in solitary confinement instead of that on the public works, which we had adopted in our Revised Code. It's principle accordingly, but not it's exact form, was adopted by Latrobe in carrying the plan into execution, by the erection of what is now called the Penitentiary, built under his direction. In the meanwhile the public opinion was ripening by time, by reflection, and by the example of Pensylva, where labor on the highways had been tried without approbation from 1786 to 89. & had been followed by their Penitentiary system on the principle of confinement and labor, which was proceeding auspiciously. In 1796. our legislature resumed the subject and passed the law for amending the Penal laws of the commonwealth. They adopted solitary, instead of public labor, established a gradation in the duration of the confinement, approximated the style of the law more to the modern usage, and instead of the settled distinctions of murder & manslaughter, preserved in my bill, they introduced the new terms of murder in the 1st & 2d degree. Whether these have produced more or fewer questions of definition I am not sufficiently informed of our judiciary transactions to say. I will here however insert the text of my bill, with the notes I made in the course of my researches into the subject.[1]

[1] Printed in this edition under June 18, 1779.

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Feb. 7. The acts of assembly concerning the College of Wm. & Mary, were properly within Mr. Pendleton's portion of our work. But these related chiefly to it's revenue, while it's constitution, organization and scope of science were derived from it's charter. We thought, that on this subject a systematical plan of general education should be proposed, and I was requested to undertake it. I accordingly prepared three bills for the Revisal, proposing three distinct grades of education, reaching all classes.[1] 1. Elementary schools for all children generally, rich and poor. 2. Colleges for a middle degree of instruction, calculated for the common purposes of life, and such as would be desirable for all who were in easy circumstances. And 3d. an ultimate grade for teaching the sciences generally, & in their highest degree. The first bill proposed to lay off every county into Hundreds or Wards, of a proper size and population for a school, in which reading, writing, and common arithmetic should be taught; and that the whole state should be divided into 24 districts, in each of which should be a school for classical learning, grammar, geography, and the higher branches of numerical arithmetic. The second bill proposed to amend the constitution of Wm. & Mary College, to enlarge it's sphere of science, and to make it in fact an University. The third was for the establishment of a library. These bills were not acted on until the same year '96. and then only so much of the first as provided for elementary schools. The College of Wm. & Mary was an establishment

[1] Printed in this edition under June 18, 1779.

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purely of the Church of England, the Visitors were required to be all of that Church; the Professors to subscribe it's 39 Articles, it's Students to learn it's Catechism, and one of its fundamental objects was declared to be to raise up Ministers for that church. The religious jealousies therefore of all the dissenters took alarm lest this might give an ascendancy to the Anglican sect and refused acting on that bill. Its local eccentricity too and unhealthy autumnal climate lessened the general inclination towards it. And in the Elementary bill they inserted a provision which completely defeated it, for they left it to the court of each county to determine for itself when this act should be carried into execution, within their county. One provision of the bill was that the expenses of these schools should be borne by the inhabitants of the county, every one in proportion to his general tax-rate. This would throw on wealth the education of the poor; and the justices, being generally of the more wealthy class, were unwilling to incur that burthen, and I believe it was not suffered to commence in a single county. I shall recur again to this subject towards the close of my story, if I should have life and resolution enough to reach that term; for I am already tired of talking about myself.

The bill on the subject of slaves was a mere digest of the existing laws respecting them, without any intimation of a plan for a future & general emancipation. It was thought better that this should be kept back, and attempted only by way of amendment whenever the bill should be brought on.[1] The prin-

[1] *Cf. post*, with *Notes on Virginia* in this edition.

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ciples of the amendment however were agreed on, that is to say, the freedom of all born after a certain day, and deportation at a proper age. But it was found that the public mind would not yet bear the proposition, nor will it bear it even at this day. Yet the day is not distant when it must bear and adopt it, or worse will follow. Nothing is more certainly written in the book of fate than that these people are to be free. Nor is it less certain that the two races, equally free, cannot live in the same government. Nature, habit, opinion has drawn indelible lines of distinction between them. It is still in our power to direct the process of emancipation and deportation peaceably and in such slow degree as that the evil will wear off insensibly, and their place be pari passu filled up by free white laborers. If on the contrary it is left to force itself on, human nature must shudder at the prospect held up. We should in vain look for an example in the Spanish deportation or deletion of the Moors. This precedent would fall far short of our case.

I considered 4 of these bills, passed or reported, as forming a system by which every fibre would be eradicated of antient or future aristocracy; and a foundation laid for a government truly republican. The repeal of the laws of entail would prevent the accumulation and perpetuation of wealth in select families, and preserve the soil of the country from being daily more & more absorbed in Mortmain. The abolition of primogeniture, and equal partition of inheritances removed the feudal and unnatural distinctions which made one member of every family

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rich, and all the rest poor, substituting equal partition, the best of all Agrarian laws. The restoration of the rights of conscience relieved the people from taxation for the support of a religion not theirs; for the establishment was truly of the religion of the rich, the dissenting sects being entirely composed of the less wealthy people; and these, by the bill for a general education, would be qualified to understand their rights, to maintain them, and to exercise with intelligence their parts in self-government: and all this would be effected without the violation of a single natural right of any one individual citizen. To these too might be added, as a further security, the introduction of the trial by jury, into the Chancery courts, which have already ingulfed and continue to ingulf, so great a proportion of the jurisdiction over our property.

On the 1st of June 1779. I was appointed Governor of the Commonwealth and retired from the legislature. Being elected also one of the Visitors of Wm. & Mary college, a self-electing body, I effected, during my residence in Williamsburg that year, a change in the organization of that institution by abolishing the Grammar school, and the two professorships of Divinity & Oriental languages, and substituting a professorship of Law & Police, one of Anatomy Medicine and Chemistry, and one of Modern languages; and the charter confining us to six professorships,[1] we added the law of Nature & Nations, & the Fine Arts to the duties of the Moral professor, and Natural history to those of the professor of Mathematics and Natural philosophy.

[1] *Cf. post*, with *Notes on Virginia* in this edition.

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Being now, as it were, identified with the Commonwealth itself, to write my own history during the two years of my administration, would be to write the public history of that portion of the revolution within this state. This has been done by others, and particularly by Mr. Girardin, who wrote his Continuation of Burke's history of Virginia while at Milton, in this neighborhood, had free access to all my papers while composing it, and has given as faithful an account as I could myself. For this portion therefore of my own life, I refer altogether to his history. From a belief that under the pressure of the invasion under which we were then laboring the public would have more confidence in a Military chief, and that the Military commander, being invested with the Civil power also, both might be wielded with more energy promptitude and effect for the defence of the state, I resigned the administration at the end of my 2d. year, and General Nelson was appointed to succeed me.

Soon after my leaving Congress in Sep. '76, to wit on the last day of that month,[1] I had been appointed, with Dr. Franklin, to go to France, as a Commissioner to negotiate treaties of alliance and commerce with that government. Silas Deane, then in France, acting as agent [2] for procuring military stores, was

[1] An error. He was appointed Sept. 26th.—*Secret Journals of Congress*, ii., 31.

[2] His ostensible character was to be that of a merchant, his real one that of agent for military supplies, and also for sounding the dispositions of the government of France, and seeing how far they would favor us, either secretly or openly. His appointment had been by the Committee of Foreign Correspondence, March, 1776.—*T. J.*

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joined with us in commission. But such was the state of my family that I could not leave it, nor could I expose it to the dangers of the sea, and of capture by the British ships, then covering the ocean. I saw too that the laboring oar was really at home, where much was to be done of the most permanent interest in new modelling our governments, and much to defend our fanes and fire-sides from the desolations of an invading enemy pressing on our country in every point. I declined therefore and Dr. Lee was appointed in my place. On the 15th. of June[1] 1781. I had been appointed with Mr. Adams, Dr. Franklin, Mr. Jay, and Mr. Laurens a Minister plenipotentiary for negotiating peace, then expected to be effected thro' the mediation of the Empress of Russia. The same reasons obliged me still to decline; and the negotiation was in fact never entered on. But, in the autumn of the next year 1782 Congress receiving assurances that a general peace would be concluded in the winter and spring, they renewed my appointment on the 13th. of Nov. of that year. I had two months before that lost the cherished companion of my life, in whose affections, unabated on both sides I had lived the last ten years in unchequered happiness. With the public interests, the state of my mind concurred in recommending the change of scene proposed; and I accepted the appointment, and left Monticello on the 19th. of Dec. 1782. for Philadelphia, where I arrived on the 27th. The Minister of France, Luzerne, offered me a passage in the *Romulus* frigate,

[1] By the *Secret Journal of Congress* it was June 14th.

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which I accepting. But she was then lying a few miles below Baltimore blocked up in the ice. I remained therefore a month in Philadelphia, looking over the papers in the office of State in order to possess myself of the general state of our foreign relations, and then went to Baltimore to await the liberation of the frigate from the ice. After waiting there nearly a month, we received information that a Provisional treaty of peace had been signed by our Commissioners on the 3d. of Sep. 1782. to become absolute on the conclusion of peace between France and Great Britain. Considering my proceeding to Europe as now of no utility to the public, I returned immediately to Philadelphia to take the orders of Congress, and was excused by them from further proceeding. I therefore returned home, where I arrived on the 15th. of May, 1783.

On the 6th. of the following month I was appointed by the legislature a delegate to Congress, the appointment to take place on the 1st. of Nov. ensuing, when that of the existing delegation would expire. I accordingly left home on the 16th. of Oct. arrived at Trenton, where Congress was sitting, on the 3d. of Nov. and took my seat on the 4th., on which day Congress adjourned to meet at Annapolis on the 26th.

Congress had now become a very small body, and the members very remiss in their attendance on it's duties insomuch that a majority of the states, necessary by the Confederation to constitute a house even for minor business did not assemble until the 13th. of December.

They as early as Jan. 7. 1782. had turned their

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attention to the monies current in the several states, and had directed the Financier, Robert Morris, to report to them a table of rates at which the foreign coins should be received at the treasury. That officer, or rather his assistant, Gouverneur Morris, answered them on the 15th [1] in an able and elaborate statement of the denominations of money current in the several states, and of the comparative value of the foreign coins chiefly in circulation with us. He went into the consideration of the necessity of establishing a standard of value with us, and of the adoption of a money-Unit. He proposed for the Unit such a fraction of pure silver as would be a common measure of the penny of every state, without leaving a fraction. This common divisor he found to be 1–1440 of a dollar, or 1–1600 of the crown sterling. The value of a dollar was therefore to be expressed by 1440 units, and of a crown by 1600. Each unit containing a quarter of a grain of fine silver. Congress turning again their attention to this subject the following year, the financier, by a letter of Apr. 30, 1783. further explained and urged the Unit he had proposed; but nothing more was done on it until the ensuing year, when it was again taken up, and referred to a commee of which I was a member. The general views of the financier were sound, and the principle was ingenious on which he proposed to found his Unit. But it was too minute for ordinary use, too laborious for computation either by the head or in figures. The price of a loaf of bread 1–20 of a dollar would be 72. units.

[1] *Diplomatic Correspondence*, xii., 81.

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A pound of butter 1–5 of a dollar 288. units.

A horse or bullock of 80. D value would require a notation of 6. figures, to wit 115,200, and the public debt, suppose of 80. millions, would require 12. figures, to wit 115,200,000,000 units. Such a system of money-arithmetic would be entirely unmanageable for the common purposes of society. I proposed therefore, instead of this, to adopt the Dollar as our Unit of account and payment, and that it's divisions and sub-divisions should be in the decimal ratio. I wrote some Notes [1] on the subject, which I submitted to the consideration of the financier. I received his answer and adherence to his general system, only agreeing to take for his Unit 100. of those he first proposed, so that a Dollar should be 14 40–100 and a crown 16. units. I replied to this and printed my notes and reply on a flying sheet, which I put into the hands of the members of Congress for consideration, and the Committee agreed to report on my principle. This was adopted the ensuing year and is the system which now prevails. I insert here the Notes and Reply, as shewing the different views on which the adoption of our money system hung. The division into dimes, cents & mills is now so well understood, that it would be easy of introduction into the kindred branches of weights & measures. I use, when I travel, an Odometer of Clarke's invention which divides the mile into cents, and I find every one comprehend a distance readily when stated to them in miles & cents; so they would in feet and cents, pounds & cents, &c.

[1] Printed in this edition under 1784.

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The remissness of Congress, and their permanent session, began to be a subject of uneasiness and even some of the legislatures had recommended to them intermissions, and periodical sessions. As the Confederation had made no provision for a visible head of the government during vacations of Congress, and such a one was necessary to superintend the executive business, to receive and communicate with foreign ministers & nations, and to assemble Congress on sudden and extraordinary emergencies, I proposed early in April [1] the appointment of a commee to be called the Committee of the states, to consist of a member from each state, who should remain in session during the recess of Congress: that the functions of Congress should be divided into Executive and Legislative, the latter to be reserved, and the former, by a general resolution to be delegated to that Committee. This proposition was afterwards agreed to; a Committee appointed, who entered on duty on the subsequent adjournment of Congress, quarrelled very soon, split into two parties, abandoned their post and left the government without any visible head until the next meeting in Congress. We have since seen the same thing take place in the Directory of France; and I believe it will forever take place in any Executive consisting of a plurality. Our plan, best I believe, combines wisdom and practicability, by providing a plurality of Counsellors, but a single Arbiter for ultimate decision. I was in France when we heard of this schism,

[1] April 14, 1784. *Journal of Congress*, ix., 127. *Cf. post*, under Jan. 30, 1784, Jefferson's report on the committee of the States.

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and separation of our Committee, and, speaking with Dr. Franklin of this singular disposition of men to quarrel and divide into parties, he gave his sentiments as usual by way of Apologue. He mentioned the Eddystone lighthouse in the British channel as being built on a rock in the mid-channel, totally inaccessible in winter, from the boisterous character of that sea, in that season. That therefore, for the two keepers employed to keep up the lights, all provisions for the winter were necessarily carried to them in autumn, as they could never be visited again till the return of the milder season. That on the first practicable day in the spring a boat put off to them with fresh supplies. The boatmen met at the door one of the keepers and accosted him with a How goes it friend? Very well. How is your companion? I do not know. Don't know? Is not he here? I can't tell. Have not you seen him to-day? No. When did you see him? Not since last fall. You have killed him? Not I, indeed. They were about to lay hold of him, as having certainly murdered his companion; but he desired them to go up stairs & examine for themselves. They went up, and there found the other keeper. They had quarrelled it seems soon after being left there, had divided into two parties, assigned the cares below to one, and those above to the other, and had never spoken to or seen one another since.

But to return to our Congress at Annapolis, the definitive treaty of peace which had been signed at Paris on the 3d. of Sep. 1783. and received here, could not be ratified without a House of 9. states.[1]

[1] *Cf. post*, under Jan., 1784.

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On the 23d. of Dec.[1] therefore we addressed letters to the several governors, stating the receipt of the definitive treaty, that 7 states only were in attendance, while 9. were necessary to its ratification, and urging them to press on their delegates the necessity of their immediate attendance. And on the 26th. to save time I moved that the Agent of Marine (Robert Morris) should be instructed to have ready a vessel at this place, at N. York, & at some Eastern port, to carry over the ratification of the treaty when agreed to. It met the general sense of the house, but was opposed by Dr. Lee[2] on the ground of expense which it would authorize the agent to incur for us; and he said it would be better to ratify at once & send on the ratification. Some members had before suggested that 7 states were competent to the ratification. My motion was therefore postponed and another brought forward by Mr. Read[3] of S. C. for an immediate ratification. This was debated the 26th. and 27th. Reed, Lee, [Hugh] Williamson & Jeremiah Chace urged that ratification was a mere matter of form, that the treaty was conclusive from the moment it was signed by the ministers; that although the Confederation requires the assent of 9. *states* to *enter into* a treaty, yet that it's conclusion could not be called *entrance into it;* that supposing 9. states requisite, it would be in the power of 5. states to keep us always at war; that 9. states had virtually authorized the ratifion having ratified

[1] On motion of Williamson, seconded by Jefferson.
[2] Arthur Lee, Delegate from Virginia.
[3] Jacob Read.

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the provisional treaty, and instructed their ministers to agree to a definitive one in the same terms, and the present one was in fact substantially and almost verbatim the same; that there now remain but 67. days for the ratification, for it's passage across the Atlantic, and it's exchange; that there was no hope of our soon having 9. states present; in fact that this was the ultimate point of time to which we could venture to wait; that if the ratification was not in Paris by the time stipulated, the treaty would become void; that if ratified by 7 states, it would go under our seal without it's being known to Gr. Britain that only 7. had concurred; that it was a question of which they had no right to take cognizance, and we were only answerable for it to our constituents; that it was like the ratification which Gr. Britain had received from the Dutch by the negotiations of Sr. Wm. Temple.

On the contrary, it was argued by Monroe, Gerry, Howel, Ellery & myself that by the modern usage of Europe the ratification was considered as the act which gave validity to a treaty, until which it was not obligatory.[1] That the commission to the ministers reserved the ratification to Congress; that the treaty itself stipulated that it should be ratified; that it became a 2d. question who were competent to the ratification? That the Confederation expressly required 9 states to enter into any treaty; that, by this, that instrument must have intended that the assent of 9. states should be necessary as

[1] Vattel, L. 2, § 156. L. 4, § 77. 1. Mably Droit D'Europe, 86.—*T. J.*

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well to the *completion* as to the *commencement* of the treaty, it's object having been to guard the rights of the Union in all those important cases where 9. states are called for; that, by the contrary construction, 7 states, containing less than one third of our whole citizens, might rivet on us a treaty, commenced indeed under commission and instructions from 9. states, but formed by the minister in express contradiction to such instructions, and in direct sacrifice of the interests of so great a majority; that the definitive treaty was admitted not to be a verbal copy of the provisional one, and whether the departures from it were of substance or not, was a question on which 9. states alone were competent to decide; that the circumstances of the ratification of the provisional articles by 9. states the instructions to our ministers to form a definitive one by them, and their actual agreement in substance, do not render us competent to ratify in the present instance; if these circumstances are in themselves a ratification, nothing further is requisite than to give attested copies of them, in exchange for the British ratification; if they are not, we remain where we were, without a ratification by 9. states, and incompetent ourselves to ratify; that it was but 4. days since the seven states now present unanimously concurred in a resolution to be forwarded to the governors of the absent states, in which they stated as a cause for urging on their delegates, that 9. states were necessary to ratify the treaty; that in the case of the Dutch ratification, Gr. Britain had courted it, and therefore was glad to accept it as it was; that

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they knew our constitution, and would object to a ratification by 7. that if that circumstance was kept back, it would be known hereafter, & would give them ground to deny the validity of a ratification into which they should have been surprised and cheated, and it would be a dishonorable prostitution of our seal; that there is a hope of 9. states; that if the treaty would become null if not ratified in time, it would not be saved by an imperfect ratification; but that in fact it would not be null, and would be placed on better ground, going in unexceptionable form, tho' a few days too late, and rested on the small importance of this circumstance, and the physical impossibilities which had prevented a punctual compliance in point of time; that this would be approved by all nations, & by Great Britain herself, if not determined to renew the war, and if determined, she would never want excuses, were this out of the way. Mr. Reade gave notice he should call for the yeas & nays; whereon those in opposition prepared a resolution expressing pointedly the reasons of the dissent from his motion. It appearing however that his proposition could not be carried, it was thought better to make no entry at all. Massachusetts alone would have been for it; Rhode Island, Pennsylvania and Virginia against it, Delaware, Maryland & N. Carolina, would have been divided.

Our body was little numerous, but very contentious. Day after day was wasted on the most unimportant questions. My colleague Mercer[1] was one of those afflicted with the morbid rage of debate,

[1] John F. Mercer.

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of an ardent mind, prompt imagination, and copious flow of words, he heard with impatience any logic which was not his own. Sitting near me on some occasion of a trifling but wordy debate, he asked how I could sit in silence hearing so much false reasoning which a word should refute? I observed to him that to refute indeed was easy, but to silence impossible. That in measures brought forward by myself, I took the laboring oar, as was incumbent on me; but that in general I was willing to listen. If every sound argument or objection was used by some one or other of the numerous debaters, it was enough: if not, I thought it sufficient to suggest the omission, without going into a repetition of what had been already said by others. That this was a waste and abuse of the time and patience of the house which could not be justified. And I believe that if the members of deliberative bodies were to observe this course generally, they would do in a day what takes them a week, and it is really more questionable, than may at first be thought, whether Bonaparte's dumb legislature which said nothing and did much, may not be preferable to one which talks much and does nothing. I served with General Washington in the legislature of Virginia before the revolution, and, during it, with Dr. Franklin in Congress. I never heard either of them speak ten minutes at a time, nor to any but the main point which was to decide the question. They laid their shoulders to the great points, knowing that the little ones would follow of themselves. If the present Congress errs in too much talking, how can it be otherwise in a body to which the people

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send 150. lawyers, whose trade it is to question everything, yield nothing, & talk by the hour? That 150. lawyers should do business together ought not to be expected. But to return again to our subject.

Those who thought 7. states competent to the ratification being very restless under the loss of their motion, I proposed, on the 3d. of January to meet them on middle ground, and therefore moved a resolution [1] which premising that there were but 7. states present, who were unanimous for the ratification, but, that they differed in opinion on the question of competency. That those however in the negative were unwilling that any powers which it might be supposed they possessed should remain unexercised for the restoration of peace, provided it could be done saving their good faith, and without importing any opinion of Congress that 7. states were competent, and resolving that treaty be ratified so far as they had power; that it should be transmitted to our ministers with instructions to keep it uncommunicated; to endeavor to obtain 3. months longer for exchange of ratifications; that they should be informed that so soon as 9. states shall be present a ratification by 9. shall be sent them; if this should get to them before the ultimate point of time for exchange, they were to use it, and not the other; if not, they were to offer the act of the 7. states in exchange, informing them the treaty had come to hand while Congress was not in session, that but 7. states were as yet assembled, and these had unanimously concurred in the ratification. This was

[1] Printed in this edition under that date.

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debated on the 3d. and 4th.[1] and on the 5th. a vessel being to sail for England from this port (Annapolis) the House directed the President to write to our ministers accordingly.

Jan. 14. Delegates from Connecticut having attended yesterday, and another from S. Carolina coming in this day, the treaty was ratified without a dissenting voice, and three instruments of ratification were ordered to be made out, one of which was sent by Colo. Harmer, another by Colo. Franks, and the 3d. transmitted to the agent of Marine to be forwarded by any good opportunity.

Congress soon took up the consideration of their foreign relations. They deemed it necessary to get their commerce placed with every nation on a footing as favorable as that of other nations; and for this purpose to propose to each a distinct treaty of commerce. This act too would amount to an acknowledgment by each of our independance and of our reception into the fraternity of nations; which altho', as possessing our station of right and in fact, we would not condescend to ask, we were not unwilling to furnish opportunities for receiving their friendly salutations & welcome. With France the United Netherlands and Sweden we had already treaties of commerce, but commissions were given for those countries also, should any amendments be thought necessary. The other states to which treaties were to be proposed were England, Hamburg, Saxony, Prussia, Denmark, Russia, Austria, Venice, Rome, Naples, Tuscany, Sardinia, Genoa,

[1] The 4th of January, 1784, was Sunday, so Congress did not sit.

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Spain, Portugal, the Porte, Algiers, Tripoli, Tunis & Morocco.[1]

Mar. 16. On the 7th. of May Congress resolved that a Minister Plenipotentiary should be appointed in addition to Mr. Adams & Dr. Franklin for negotiating treaties of commerce with foreign nations, and I was elected to that duty. I accordingly left Annapolis on the 11th. Took with me my elder daughter[2] then at Philadelphia (the two others being too young for the voyage) & proceeded to Boston in quest of a passage. While passing thro' the different states, I made a point of informing myself of the state of the commerce of each, went on to New Hampshire with the same view and returned to Boston. From thence I sailed on the 5th. of July in the *Ceres* a merchant ship of Mr. Nathaniel Tracey, bound to Cowes. He was himself a passenger, and, after a pleasant voyage of 19. days from land to land, we arrived at Cowes on the 26th. I was detained there a few days by the indisposition of my daughter. On the 30th. we embarked for Havre, arrived there on the 31st. left it on the 3d. of August, and arrived at Paris on the 6th. I called immediately on Doctr. Franklin at Passy, communicated to him our charge, and we wrote to Mr. Adams, then at the Hague to join us at Paris.

Before I had left America, that is to say in the year 1781. I had received a letter from M. de Marbois, of the French legation in Philadelphia, informing me he had been instructed by his government to

[1] See Jefferson's report on European treaties, *post*, under 1784.
[2] Martha Jefferson, afterwards Mrs. Thomas Mann Randolph.

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obtain such statistical accounts of the different states of our Union, as might be useful for their information; and addressing to me a number of queries relative to the state of Virginia. I had always made it a practice whenever an opportunity occurred of obtaining any information of our country, which might be of use to me in any station public or private, to commit it to writing. These memoranda were on loose papers, bundled up without order, and difficult of recurrence when I had occasion for a particular one. I thought this a good occasion to embody their substance, which I did in the order of Mr. Marbois' queries, so as to answer his wish and to arrange them for my own use. Some friends to whom they were occasionally communicated wished for copies; but their volume rendering this too laborious by hand, I proposed to get a few printed for their gratification. I was asked such a price however as exceeded the importance of the object. On my arrival at Paris I found it could be done for a fourth of what I had been asked here. I therefore corrected and enlarged them, and had 200. copies printed, under the title of *Notes on Virginia*. I gave a very few copies to some particular persons in Europe, and sent the rest to my friends in America. An European copy, by the death of the owner, got into the hands of a bookseller, who engaged it's translation, & when ready for the press, communicated his intentions & manuscript to me, without any other permission than that of suggesting corrections. I never had seen so wretched an attempt at translation. Interverted, abridged, mutilated, and

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often reversing the sense of the original, I found it a blotch of errors from beginning to end. I corrected some of the most material, and in that form it was printed in French.[1] A London bookseller, on seeing the translation, requested me to permit him to print the English original. I thought it best to do so to let the world see that it was not really so bad as the French translation had made it appear. And this is the true history of that publication.

Mr. Adams soon joined us at Paris, & our first employment was to prepare a general form to be proposed to such nations as were disposed to treat with us. During the negotiations for peace with the British Commissioner David Hartley, our Commissioners had proposed, on the suggestion of Doctr. Franklin, to insert an article exempting from capture by the public or private armed ships of either belligerent, when at war, all merchant vessels and their cargoes, employed merely in carrying on the commerce between nations. It was refused by England, and unwisely, in my opinion. For in the case of a war with us, their superior commerce places infinitely more at hazard on the ocean than ours; and as hawks abound in proportion to game, so our privateers would swarm in proportion to the wealth exposed to their prize, while theirs would be few for want of subjects of capture. We inserted this article in our form, with a provision against the molestation of fishermen, husbandmen, citizens unarmed and following their occupations in unfortified places, for the humane treatment of prisoners of war,

[1] *Cf. post*, note on *Notes on Virginia* under 1782.

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the abolition of contraband of war, which exposes merchant vessels to such vexatious & ruinous detentions and abuses; and for the principle of free bottoms, free goods.

In a conference with the Count de Vergennes, it was thought better to leave to legislative regulation on both sides such modifications of our commercial intercourse as would voluntarily flow from amicable dispositions. Without urging, we sounded the ministers of the several European nations at the court of Versailles, on their dispositions towards mutual commerce, and the expediency of encouraging it by the protection of a treaty. Old Frederic of Prussia met us cordially and without hesitation, and appointing the Baron de Thulemeyer, his minister at the Hague, to negotiate with us, we communicated to him our Project, which with little alteration by the King, was soon concluded. Denmark and Tuscany entered also into negotiations with us. Other powers appearing indifferent we did not think it proper to press them. They seemed in fact to know little about us, but as rebels who had been successful in throwing off the yoke of the mother country. They were ignorant of our commerce, which had been always monopolized by England, and of the exchange of articles it might offer advantageously to both parties. They were inclined therefore to stand aloof until they could see better what relations might be usefully instituted with us. The negotiations therefore begun with Denmark & Tuscany we protracted designedly until our powers had expired; and abstained from making new propositions to

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others having no colonies; because our commerce being an exchange of raw for wrought materials, is a competent price for admission into the colonies of those possessing them: but were we to give it, without price, to others, all would claim it without price on the ordinary ground of gentis amicissimæ.

Mr. Adams being appointed Min. Pleny. of the U S. to London, left us in June, and in July 1785. Dr. Franklin returned to America, and I was appointed his successor at Paris. In Feb. 1786. Mr. Adams wrote to me pressingly to join him in London immediately, as he thought he discovered there some symptoms of better disposition towards us. Colo. Smith,[1] his Secretary of legation, was the bearer of his urgencies for my immediate attendance. I accordingly left Paris on the 1st. of March, and on my arrival in London we agreed on a very summary form of treaty, proposing an exchange of citizenship for our citizens, our ships, and our productions generally, except as to office. On my presentation as usual to the King and Queen at their levées, it was impossible for anything to be more ungracious than their notice of Mr. Adams & myself. I saw at once that the ulcerations in the narrow mind of that mulish being left nothing to be expected on the subject of my attendance; and on the first conference with the Marquis of Caermarthen, his Minister of foreign affairs, the distance and disinclination which he betrayed in his conversation, the vagueness & evasions of his answers to us, confirmed me in the belief of their aversion to have anything to do with us. We

[1] William Stephens Smith.

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delivered him however our Projét, Mr. Adams not despairing as much as I did of it's effect. We afterwards, by one or more notes, requested his appointment of an interview and conference, which, without directly declining, he evaded by pretences of other pressing occupations for the moment. After staying there seven weeks, till within a few days of the expiration of our commission, I informed the minister by note that my duties at Paris required my return to that place, and that I should with pleasure be the bearer of any commands to his Ambassador there. He answered that he had none, and wishing me a pleasant journey, I left London the 26th. arrived at Paris on the 30th. of April.

While in London we entered into negotiations with the Chevalier Pinto, Ambassador of Portugal at that place. The only article of difficulty between us was a stipulation that our bread stuff should be received in Portugal in the form of flour as well as of grain. He approved of it himself, but observed that several Nobles, of great influence at their court, were the owners of wind mills in the neighborhood of Lisbon which depended much for their profits on manufacturing our wheat, and that this stipulation would endanger the whole treaty. He signed it however, & it's fate was what he had candidly portended.

My duties at Paris were confined to a few objects; the receipt of our whale-oils, salted fish, and salted meats on favorable terms, the admission of our rice on equal terms with that of Piedmont, Egypt & the Levant, a mitigation of the monopolies of our tobacco by the Farmers-general, and a free admission of our

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productions into their islands; were the principal commercial objects which required attention; and on these occasions I was powerfully aided by all the influence and the energies of the Marquis de La Fayette, who proved himself equally zealous for the friendship and welfare of both nations; and in justice I must also say that I found the government entirely disposed to befriend us on all occasions, and to yield us every indulgence not absolutely injurious to themselves. The Count de Vergennes had the reputation with the diplomatic corps of being wary & slippery in his diplomatic intercourse; and so he might be with those whom he knew to be slippery and double-faced themselves. As he saw that I had no indirect views, practised no subtleties, meddled in no intrigues, pursued no concealed object, I found him as frank, as honorable, as easy of access to reason as any man with whom I had ever done business; and I must say the same for his successor Montmorin, one of the most honest and worthy of human beings.

Our commerce in the Mediterranean was placed under early alarm by the capture of two of our vessels and crews by the Barbary cruisers. I was very unwilling that we should acquiesce in the European humiliation of paying a tribute to those lawless pirates, and endeavored to form an association of the powers subject to habitual depredation from them. I accordingly prepared and proposed to their ministers at Paris, for consultation with their governments, articles of a special confederation in the following form.

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"Proposals for concerted operation among the powers at war with the Piratical States of Barbary.

"1. It is proposed that the several powers at war with the Piratical States of Barbary, or any two or more of them who shall be willing, shall enter into a convention to carry on their operations against those states, in concert, beginning with the Algerines.

"2. This convention shall remain open to any other power who shall at any future time wish to accede to it; the parties reserving a right to prescribe the conditions of such accession, according to the circumstances existing at the time it shall be proposed.

"3. The object of the convention shall be to compel the piratical states to perpetual peace, without price, & to guarantee that peace to each other.

"4. The operations for obtaining this peace shall be constant cruises on their coast with a naval force now to be agreed on. It is not proposed that this force shall be so considerable as to be inconvenient to any party. It is believed that half a dozen frigates, with as many Tenders or Xebecs, one half of which shall be in cruise, while the other half is at rest, will suffice.

"5. The force agreed to be necessary shall be furnished by the parties in certain quotas now to be fixed; it being expected that each will be willing to contribute in such proportion as circumstance may render reasonable.

"6. As miscarriages often proceed from the want of harmony among officers of different nations, the parties shall now consider & decide whether it will

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not be better to contribute their quotas in money to be employed in fitting out, and keeping on duty, a single fleet of the force agreed on.

"7. The difficulties and delays too which will attend the management of these operations, if conducted by the parties themselves separately, distant as their courts may be from one another, and incapable of meeting in consultation, suggest a question whether it will not be better for them to give full powers for that purpose to their Ambassadors or other ministers resident at some one court of Europe, who shall form a Committee or Council for carrying this convention into effect; wherein the vote of each member shall be computed in proportion to the quota of his sovereign, and the majority so computed shall prevail in all questions within the view of this convention. The court of Versailles is proposed, on account of it's neighborhood to the Mediterranean, and because all those powers are represented there, who are likely to become parties to this convention.

"8. To save to that council the embarrassment of personal solicitations for office, and to assure the parties that their contributions will be applied solely to the object for which they are destined, there shall be no establishment of officers for the said Council, such as Commis, Secretaries, or any other kind, with either salaries or perquisites, nor any other lucrative appointments but such whose functions are to be exercised on board the sd vessels.

"9. Should war arise between any two of the parties to this convention it shall not extend to this

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enterprise, nor interrupt it; but as to this they shall be reputed at peace.

"10. When Algiers shall be reduced to peace, the other pyratical states, if they refuse to discontinue their pyracies shall become the objects of this convention, either successively or together as shall seem best.

"11. Where this convention would interfere with treaties actually existing between any of the parties and the sd states of Barbary, the treaty shall prevail, and such party shall be allowed to withdraw from the operations against that state."

Spain had just concluded a treaty with Algiers at the expense of 3. millions of dollars, and did not like to relinquish the benefit of that until the other party should fail in their observance of it. Portugal, Naples, the two Sicilies, Venice, Malta, Denmark and Sweden were favorably disposed to such an association; but their representatives at Paris expressed apprehensions that France would interfere, and, either openly or secretly support the Barbary powers; and they required that I should ascertain the dispositions of the Count de Vergennes on the subject. I had before taken occasion to inform him of what we were proposing, and therefore did not think it proper to insinuate any doubt of the fair conduct of his government; but stating our propositions, I mentioned the apprehensions entertained by us that England would interfere in behalf of those piratical governments. "She dares not do it," said he. I pressed it no further. The other agents were

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satisfied with this indication of his sentiments, and nothing was now wanting to bring it into direct and formal consideration, but the assent of our government, and their authority to make the formal proposition. I communicated to them the favorable prospect of protecting our commerce from the Barbary depredations, and for such a continuance of time as, by an exclusion of them from the sea, to change their habits & characters from a predatory to an agricultural people: towards which however it was expected they would contribute a frigate, and it's expenses to be in constant cruise. But they were in no condition to make any such engagement. Their recommendatory powers for obtaining contributions were so openly neglected by the several states that they declined an engagement which they were conscious they could not fulfill with punctuality; and so it fell through.

May 17. In 1786. while at Paris I became acquainted with John Ledyard of Connecticut, a man of genius, of some science, and of fearless courage, & enterprise. He had accompanied Capt Cook in his voyage to the Pacific, had distinguished himself on several occasions by an unrivalled intrepidity, and published an account of that voyage with details unfavorable to Cook's deportment towards the savages, and lessening our regrets at his fate. Ledyard had come to Paris in the hope of forming a company to engage in the fur trade of the Western coast of America. He was disappointed in this, and being out of business, and of a roaming, restless character, I suggested to him the enterprise of exploring the

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Western part of our continent, by passing thro St. Petersburg to Kamschatka, and procuring a passage thence in some of the Russian vessels to Nootka Sound, whence he might make his way across the continent to America; and I undertook to have the permission of the Empress of Russia solicited. He eagerly embraced the proposition, and M. de Sémoulin, the Russian Ambassador, and more particularly Baron Grimm the special correspondent of the Empress, solicited her permission for him to pass thro' her dominions to the Western coast of America. And here I must correct a material error which I have committed in another place to the prejudice of the Empress. In writing some Notes of the life of Capt Lewis,[1] prefixed to his expedition to the Pacific, I stated that the Empress gave the permission asked, & afterwards retracted it. This idea, after a lapse of 26 years, had so insinuated itself into my mind, that I committed it to paper without the least suspicion of error. Yet I find, on recurring to my letters of that date that the Empress refused permission at once, considering the enterprise as entirely chimerical. But Ledyard would not relinquish it, persuading himself that by proceeding to St. Petersburg he could satisfy the Empress of it's practicability and obtain her permission. He went accordingly, but she was absent on a visit to some distant part of her dominions,[2] and he pursued his course to within 200. miles of Kamschatka, where he was overtaken by an arrest from the Empress, brought back to Poland, and there dismissed. I must there-

[1] In Lewis and Clarke's *Travels*.

[2] The Crimea.—*T. J.*

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fore in justice, acquit the Empress of ever having for a moment countenanced, even by the indulgence of an innocent passage thro' her territories this interesting enterprise.

May 18. The pecuniary distresses of France produced this year a measure of which there had been no example for near two centuries, & the consequences of which, good and evil, are not yet calculable. For it's remote causes we must go a little back.

Celebrated writers of France and England had already sketched good principles on the subject of government. Yet the American Revolution seems first to have awakened the thinking part of the French nation in general from the sleep of despotism in which they were sunk. The officers too who had been to America, were mostly young men, less shackled by habit and prejudice, and more ready to assent to the suggestions of common sense, and feeling of common rights. They came back with new ideas & impressions. The press, notwithstanding it's shackles, began to disseminate them. Conversation assumed new freedoms. Politics became the theme of all societies, male and female, and a very extensive & zealous party was formed which acquired the appellation of the Patriotic party, who, sensible of the abusive government under which they lived, sighed for occasions of reforming it. This party comprehended all the honesty of the kingdom sufficiently at it's leisure to think, the men of letters, the easy Bourgeois, the young nobility partly from reflection, partly from mode, for these sentiments became matter of mode, and as such

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united most of the young women to the party. Happily for the nation, it happened at the same moment that the dissipations of the Queen and court, the abuses of the pension-list, and dilapidations in the administration of every branch of the finances, had exhausted the treasures and credit of the nation, insomuch that it's most necessary functions were paralyzed. To reform these abuses would have overset the minister; to impose new taxes by the authority of the King was known to be impossible from the determined opposition of the parliament to their enregistry. No resource remained then but to appeal to the nation. He advised therefore the call of an assembly of the most distinguished characters of the nation, in the hope that by promises of various and valuable improvements in the organization and regimen of the government, they would be induced to authorize new taxes, to controul the opposition of the parliament, and to raise the annual revenue to the level of expenditures. An Assembly of Notables therefore, about 150. in number named by the King, convened on the 22d. of Feb. The Minister (Calonne) stated to them that the annual excess of expenses beyond the revenue, when Louis XVI. came to the throne, was 37. millions of livres; that 440. millns. had been borrowed to reestablish the navy; that the American war had cost them 1440. millns. (256. mils. of Dollars) and that the interest of these sums, with other increased expenses had added 40 millns. more to the annual deficit. (But a subseqt. and more candid estimate made it 56. millns.) He proffered them an

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universal redress of grievances, laid open those grievances fully, pointed out sound remedies, and covering his canvas with objects of this magnitude, the deficit dwindled to a little accessory, scarcely attracting attention. The persons chosen were the most able & independent characters in the kingdom, and their support, if it could be obtained, would be enough for him. They improved the occasion for redressing their grievances, and agreed that the public wants should be relieved; but went into an examination of the causes of them. It was supposed that Calonne was conscious that his accounts could not bear examination; and it was said and believed that he asked of the King to send 4. members to the Bastile, of whom the M. de la Fayette was one, to banish 20. others, & 2. of his Ministers. The King found it shorter to banish him. His successor went on in full concert with the Assembly. The result was an augmentation of the revenue a promise of economies in it's expenditure, of an annual settlement of the public accounts before a council, which the Comptroller, having been heretofore obliged to settle only with the King in person, of course never settled at all; an acknowledgment that the King could not lay a new tax, a reformation of the criminal laws abolition of torture, suppression of Corvées, reformation of the gabelles, removal of the interior custom houses, free commerce of grain internal & external, and the establishment of Provincial assemblies; which alltogether constituted a great mass of improvement in the condition of the nation. The establishment of the Provincial assem-

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blies was in itself a fundamental improvement. They would be of the choice of the people, one third renewed every year, in those provinces where there are no States, that is to say over about three fourths of the kingdom. They would be partly an Executive themselves, & partly an Executive council to the Intendant, to whom the Executive power, in his province had been heretofore entirely delegated. Chosen by the people, they would soften the execution of hard laws, & having a right of representation to the King, they would censure bad laws, suggest good ones, expose abuses, and their representations, when united, would command respect. To the other advantages might be added the precedent itself of calling the Assemblée des Notables, which would perhaps grow into habit. The hope was that the improvements thus promised would be carried into effect, that they would be maintained during the present reign, & that that would be long enough for them to take some root in the constitution, so that they might come to be considered as a part of that, and be protected by time, and the attachment of the nation.

The Count de Vergennes had died a few days before the meeting of the Assembly, & the Count de Montmorin had been named Minister of foreign affairs in his place. Villedeuil succeeded Calonnes as Comptroller general, & Lomenie de Bryenne, Archbishop of Thoulouse, afterwards of Sens, & ultimately Cardinal Lomenie, was named Minister principal, with whom the other ministers were to transact the business of their departments, hereto-

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fore done with the King in person, and the Duke de Nivernois, and M. de Malesherbes were called to the Council. On the nomination of the Minister principal the Marshals de Segur & de Castries retired from the departments of War & Marine, unwilling to act subordinately, or to share the blame of proceedings taken out of their direction. They were succeeded by the Count de Brienne, brother of the Prime minister, and the Marquis de la Luzerne, brother to him who had been Minister in the United States.

May 24. A dislocated wrist, unsuccessfully set, occasioned advice from my Surgeon to try the mineral waters of Aix in Provence as a corroborant. I left Paris for that place therefore on the 28th. of Feb. and proceeded up the Seine, thro' Champagne & Burgundy, and down the Rhone thro' the Beaujolais by Lyons, Avignon, Nismes to Aix, where finding on trial no benefit from the waters, I concluded to visit the rice country of Piedmont, to see if anything might be learned there to benefit the rivalship of our Carolina rice with that, and thence to make a tour of the seaport towns of France, along it's Southern and Western Coast, to inform myself if anything could be done to favor our commerce with them.[1] From Aix therefore I took my route by Marseilles, Toulon, Hieres, Nice, across the Col de Tende, by Coni, Turin, Vercelli, Novara, Milan, Pavia, Novi, Genoa. Thence returning along the coast by Savona, Noli, Albenga, Oneglia, Monaco, Nice, Antibes, Frejus, Aix, Marseilles, Avignon,

[1] In Washington's edition of Jefferson's Writings (ix., 313) a journal of this tour is printed.

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Nismes, Montpellier, Frontignan, Cette, Agde, and along the canal of Languedoc, by Bezieres, Narbonne, Cascassonne, Castelnaudari, thro' the Souterrain of St. Feriol and back by Castelnaudari, to Toulouse, thence to Montauban & down the Garonne by Langon to Bordeaux. Thence to Rochefort, la Rochelle, Nantes, L'Orient, then back by Rennes to Nantes, and up the Loire by Angers, Tours, Amboise, Blois to New Orleans, thence direct to Paris where I arrived on the 10th. of June. Soon after my return from this journey to wit, about the latter part of July, I received my younger daughter Maria from Virginia by the way of London, the youngest having died some time before.

The treasonable perfidy of the Prince of Orange, Stadtholder & Captain General of the United Netherlands, in the war which England waged against them for entering into a treaty of commerce with the U. S. is known to all. As their Executive officer, charged with the conduct of the war, he contrived to baffle all the measures of the States General, to dislocate all their military plans, & played false into the hands of England and against his own country on every possible occasion, confident in her protection, and in that of the King of Prussia, brother to his Princess. The States General indignant at this patricidal conduct applied to France for aid, according to the stipulations of the treaty concluded with her in 85. It was assured to them readily, and in cordial terms, in a letter from the Ct. de Vergennes to the Marquis de Verac, Ambassador of France at the Hague, of which the following is an extract.

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"Extrait de la depeche de Monsr. le Comte de Vergennes à Monsr. le Marquis de Verac, Ambassadeur de France à la Haye, du 1er Mars 1786.

"Le Roi concourrera, autant qu'il sera en son pouvoir, au succes de la chose, et vous inviterez de sa part les patriotes de lui communiquer leurs vues, leurs plans, et leurs envieux. Vous les assurerez que le roi prend un interêt veritable à leurs personnes comme à leur cause, et qu' ils peuvent compter sur sa protection. Ils doivent y compter d' autant plus, Monsieur, que nous ne dissimulons pas que si Monsr. le Stadhoulder reprend son ancienne influence, le systeme Anglois ne tardera pas de prevaloir, et que notre alliance deviendroit un être de raison. Les Patriotes sentiront facilement que cette position seroit incompatible avec la dignité, comme avec la consideration de sa majesté. Mais dans le cas, Monsieur, ou les chefs des Patriotes auroient à craindre une scission, ils auroient le temps suffisant pour ramener ceux de leurs amis que les Anglomanes ont egarés, et preparer les choses de maniere que la question de nouveau mise en deliberation soit decidé selon leurs desirs. Dans cette hypothese, le roi vous autorise à agir de concert avec eux, de suivre la direction qu' ils jugeront devoir vous donner, et d' employer tous les moyens pour augmenter le nombre des partisans de la bonne cause. Il me reste, Monsieur, il me reste, Monsieur, de vous parler de la sureté personelle des patriotes. Vous les assurerez que dans tout etat de cause, le roi les prend sous sa protection immediate, et vous ferez connoitre partout ou vous le jugerez necessaire, que sa Majesté

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regarderoit comme une offense personnelle tout ce qu' on entreprenderoit contre leur liberte. Il est à presumer que ce langage, tenu avec energie, en imposera à l'audace des Anglomanes et que Monsr. le Prince de Nassau croira courir quelque risque en provoquant le ressentiment de sa Majesté."

This letter was communicated by the Patriots to me when at Amsterdam in 1788. and a copy sent by me to Mr. Jay in my letter to him of Mar. 16. 1788.

The object of the Patriots was to establish a representative and republican government. The majority of the States general were with them, but the majority of the populace of the towns was with the Prince of Orange; and that populace was played off with great effect by the triumvirate of * * * Harris[1] the English Ambassador afterwards Ld. Malmesbury, the Prince of Orange a stupid man, and the Princess as much a man as either of her colleagues in audaciousness, in enterprise, & in the thirst of domination. By these the mobs of the Hague were excited against the members of the States general, their persons were insulted & endangered in the streets, the sanctuary of their houses was violated, and the Prince whose function & duty it was to repress and punish these violations of order, took no steps for that purpose. The States General, for their own protection were therefore obliged to place their militia under the command of a Committee. The Prince filled the courts of London and Berlin

[1] Sir James Harris.

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with complaints at this usurpation of his prerogatives, and forgetting that he was but the first servant of a republic, marched his regular troops against the city of Utrecht, where the States were in session. They were repulsed by the militia. His interests now became marshalled with those of the public enemy & against his own country. The States therefore, exercising their rights of sovereignty, deprived him of all his powers. The great Frederic had died in August 86.[1] He had never intended to break with France in support of the Prince of Orange. During the illness of which he died, he had thro' the Duke of Brunswick, declared to the Marquis de la Fayette, who was then at Berlin, that he meant not to support the English interest in Holland: that he might assure the government of France his only wish was that some honorable place in the Constitution should be reserved for the Stadtholder and his children, and that he would take no part in the quarrel unless an entire abolition of the Stadtholderate should be attempted. But his place was now occupied by Frederic William, his great nephew, a man of little understanding, much caprice, & very inconsiderate; and the Princess his sister, altho' her husband was in arms against the legitimate authorities of the country, attempting to go to Amsterdam for the purpose of exciting the mobs of that place and being refused permission to pass a military post on the way, he put the Duke of Brunswick at the head of 20,000 men, and made demonstrations of marching on Holland. The King of France hereupon

[1] Ire to Jay Aug. 6. 87.—*T. J.*

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declared, by his Chargé des Affaires in Holland that if the Prussian troops continued to menace Holland with an invasion, his Majesty, in quality of Ally, was determined to succor that province.[1] In answer to this Eden gave official information to Count Montmorin, that England must consider as at an end, it's convention with France relative to giving notice of it's naval armaments and that she was arming generally.[2] War being now imminent, Eden questioned me on the effect of our treaty with France in the case of a war, & what might be our dispositions. I told him frankly and without hesitation that our dispositions would be neutral, and that I thought it would be the interest of both these powers that we should be so; because it would relieve both from all anxiety as to feeding their W. India islands. That England too, by suffering us to remain so, would avoid a heavy land-war on our continent, which might very much cripple her proceedings elsewhere; that our treaty indeed obliged us to receive into our ports the armed vessels of France, with their prizes, and to refuse admission to the prizes made on her by her enemies: that there was a clause also by which we guaranteed to France her American possessions, which might perhaps force us into the war, if these were attacked. "Then it will be war, said he, for they will assuredly be attacked."[3] Liston, at Madrid, about the same time, made the same inquiries of Carmichael. The government of France then declared a determination to

[1] My lre Sep. 22. 87.—*T. J.* [2] My lre to J. Jay Sep. 24.—*T. J.*
[3] lre to Carm. Dec. 15.—*T. J.*

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form a camp of observation at Givet, commenced arming her marine, and named the Bailli de Suffrein their Generalissimo on the Ocean. She secretly engaged also in negotiations with Russia, Austria, & Spain to form a quadruple alliance. The Duke of Brunswick having advanced to the confines of Holland, sent some of his officers to Givet to reconnoitre the state of things there, and report them to him. He said afterwards that "if there had been only a few tents at that place, he should not have advanced further, for that the King would not merely for the interest of his sister, engage in a war with France." But finding that there was not a single company there, he boldly entered the country took their towns as fast as he presented himself before them, and advanced on Utrecht. The States had appointed the Rhingrave of Salm their Commander-in-chief, a Prince without talents, without courage, and without principle. He might have held out in Utrecht for a considerable time, but he surrendered the place without firing a gun, literally ran away & hid himself so that for months it was not known what had become of him. Amsterdam was then attacked and capitulated. In the meantime the negotiations for the quadruple alliance were proceeding favorably. But the secrecy with which they were attempted to be conducted, was penetrated by Fraser, Chargé des affaires of England at St. Petersburg, who instantly notified his court, and gave the alarm to Prussia. The King saw at once what would be his situation between the jaws of France, Austria, and Russia. In great dismay he besought the court of London

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not to abandon him, sent Alvensleben to Paris to explain and soothe, and England thro' the D. of Dorset and Eden, renewed her conferences for accommodation. The Archbishop, who shuddered at the idea of war, and preferred a peaceful surrender of right to an armed vindication of it, received them with open arms, entered into cordial conferences, and a declaration, and counter declaration were cooked up at Versailles and sent to London for approbation. They were approved there, reached Paris at 1 o'clock of the 27th. and were signed that night at Versailles. It was said and believed at Paris that M. de Montmorin, literally "pleuroit comme un enfant," when obliged to sign this counter declaration; so distressed was he by the dishonor of sacrificing the Patriots after assurances so solemn of protection, and absolute encouragement to proceed.[1] The Prince of Orange was reinstated in all his powers, now become regal. A great emigration of the Patriots took place, all were deprived of office, many exiled, and their property confiscated. They were received in France, and subsisted for some time on her bounty. Thus fell Holland, by the treachery of her chief, from her honorable independence to become a province of England, and so also her Stadtholder from the high station of the first citizen of a free republic, to be the servile Viceroy of a foreign sovereign. And this was effected by a mere scene of bullying & demonstration, not one of the parties, France England or Prussia having ever really meant to encounter actual war

[1] My lre to Jay Nov. 3. lre to J. Adams, Nov. 13.—*T. J.*

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for the interest of the Prince of Orange. But it had all the effect of a real and decisive war.

Our first essay in America to establish a federative government had fallen, on trial, very short of it's object. During the war of Independance, while the pressure of an external enemy hooped us together, and their enterprises kept us necessarily on the alert, the spirit of the people, excited by danger, was a supplement to the Confederation, and urged them to zealous exertions, whether claimed by that instrument, or not. But when peace and safety were restored, and every man became engaged in useful and profitable occupation, less attention was paid to the calls of Congress. The fundamental defect of the Confederation was that Congress was not authorized to act immediately on the people, & by it's own officers. Their power was only requisitory, and these requisitions were addressed to the several legislatures, to be by them carried into execution, without other coercion than the moral principle of duty. This allowed in fact a negative to every legislature, on every measure proposed by Congress; a negative so frequently exercised in practice as to benumb the action of the federal government, and to render it inefficient in it's general objects, & more especially in pecuniary and foreign concerns. The want too of a separation of the legislative, executive, & judiciary functions worked disadvantageously in practice. Yet this state of things afforded a happy augury of the future march of our confederacy, when it was seen that the good sense and good dispositions of the people, as soon as they perceived the

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incompetence of their first compact, instead of leaving it's correction to insurrection and civil war, agreed with one voice to elect deputies to a general convention, who should peaceably meet and agree on such a constitution as "would ensure peace, justice, liberty, the common defence & general welfare."

This Convention met at Philadelphia on the 25th. of May '87. It sate with closed doors, and kept all it's proceedings secret, until it's dissolution on the 17th. of September, when the results of their labors were published all together. I received a copy early in November, and read and contemplated it's provisions with great satisfaction. As not a member of the Convention however, nor probably a single citizen of the Union, had approved it in all it's parts, so I too found articles which I thought objectionable. The absence of express declarations ensuring freedom of religion, freedom of the press, freedom of the person under the uninterrupted protection of the Habeas corpus, & trial by jury in civil as well as in criminal cases excited my jealousy; and the re-eligibility of the President for life, I quite disapproved. I expressed freely in letters to my friends, and most particularly to Mr. Madison & General Washington, my approbations and objections. How the good should be secured, and the ill brought to rights was the difficulty. To refer it back to a new Convention might endanger the loss of the whole. My first idea was that the 9. states first acting should accept it unconditionally, and thus secure what in it was good, and that the 4. last should accept on the previous condition that

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certain amendments should be agreed to, but a better course was devised of accepting the whole and trusting that the good sense & honest intention of our citizens would make the alterations which should be deemed necessary. Accordingly all accepted, 6. without objection, and 7. with recommendations of specified amendments. Those respecting the press, religion, & juries, with several others, of great value, were accordingly made; but the Habeas corpus was left to the discretion of Congress, and the amendment against the reeligibility of the President was not proposed by that body. My fears of that feature were founded on the importance of the office, on the fierce contentions it might excite among ourselves, if continuable for life, and the dangers of interference either with money or arms, by foreign nations, to whom the choice of an American President might become interesting. Examples of this abounded in history; in the case of the Roman emperors for instance, of the Popes while of any significance, of the German emperors, the Kings of Poland, & the Deys of Barbary. I had observed too in the feudal History, and in the recent instance particularly of the Stadtholder of Holland, how easily offices or tenures for life slide into inheritances. My wish therefore was that the President should be elected for 7. years & be ineligible afterwards. This term I thought sufficient to enable him, with the concurrence of the legislature, to carry thro' & establish any system of improvement he should propose for the general good. But the practice adopted I think is better allowing his

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continuance for 8. years with a liability to be dropped at half way of the term, making that a period of probation. That his continuance should be restrained to 7. years was the opinion of the Convention at an early stage of it's session, when it voted that term by a majority of 8. against 2. and by a simple majority that he should be ineligible a second time. This opinion &c. was confirmed by the house so late as July 26, referred to the committee of detail, rereported favorably by them, and changed to the present form by final vote on the last day but one only of their session.[1] Of this change three states expressed their disapprobation, N. York by recommending an amendment that the President should not be eligible a third time, and Virginia and N. Carolina that he should not be capable of serving more than 8. in any term of 16. years. And altho' this amendment has not been made in form, yet practice seems to have established it. The example of 4 Presidents voluntarily retiring at the end of their 8th year, & the progress of public opinion that the principle is salutary, have given it in practice the force of precedent & usage; insomuch that should a President consent to be a candidate for a 3d. election, I trust he would be rejected on this demonstration of ambitious views.

But there was another amendment of which none of us thought at the time and in the omission of which lurks the germ that is to destroy this happy

[1] This is an evident error. On September 4th, the committee of eleven reported a clause making the term four years, which was adopted by the convention on the 6th, and not altered thereafter.

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combination of National powers in the General government for matters of National concern, and independent powers in the states for what concerns the states severally. In England it was a great point gained at the Revolution, that the commissions of the judges, which had hitherto been during pleasure, should thenceforth be made during good behavior. A Judiciary dependent on the will of the King had proved itself the most oppressive of all tools in the hands of that Magistrate. Nothing then could be more salutary than a change there to the tenure of good behavior; and the question of good behavior left to the vote of a simple majority in the two houses of parliament. Before the revolution we were all good English Whigs, cordial in their free principles, and in their jealousies of their executive Magistrate. These jealousies are very apparent in all our state constitutions; and, in the general government in this instance, we have gone even beyond the English caution, by requiring a vote of two thirds in one of the Houses for removing a judge; a vote so impossible where[1] any defence is made, before men of ordinary prejudices & passions, that our judges are effectually independent of the nation. But this ought not to be. I would not indeed make them dependant on the Executive authority, as they formerly were in England; but I deem it indispensable to the continuance of this government that they should be submitted to some practical &

[1] In the impeachment of judge Pickering of New Hampshire, a habitual & maniac drunkard, no defence was made. Had there been, the party vote of more than one third of the Senate would have acquitted him.—*T. J.*

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impartial controul: and that this, to be imparted, must be compounded of a mixture of state and federal authorities. It is not enough that honest men are appointed judges. All know the influence of interest on the mind of man, and how unconsciously his judgment is warped by that influence. To this bias add that of the esprit de corps, of their peculiar maxim and creed that "it is the office of a good judge to enlarge his jurisdiction," and the absence of responsibility, and how can we expect impartial decision between the General government, of which they are themselves so eminent a part, and an individual state from which they have nothing to hope or fear. We have seen too that, contrary to all correct example, they are in the habit of going out of the question before them, to throw an anchor ahead and grapple further hold for future advances of power. They are then in fact the corps of sappers & miners, steadily working to undermine the independant rights of the States, & to consolidate all power in the hands of that government in which they have so important a freehold estate. But it is not by the consolidation, or concentration of powers, but by their distribution, that good government is effected. Were not this great country already divided into states, that division must be made, that each might do for itself what concerns itself directly, and what it can so much better do than a distant authority. Every state again is divided into counties, each to take care of what lies within it's local bounds; each county again into townships or wards, to manage minuter details; and every ward into

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farms, to be governed each by it's individual proprietor. Were we directed from Washington when to sow, & when to reap, we should soon want bread. It is by this partition of cares, descending in gradation from general to particular, that the mass of human affairs may be best managed for the good and prosperity of all. I repeat that I do not charge the judges with wilful and ill-intentioned error; but honest error must be arrested where it's toleration leads to public ruin. As, for the safety of society, we commit honest maniacs to Bedlam, so judges should be withdrawn from their bench, whose erroneous biases are leading us to dissolution. It may indeed injure them in fame or in fortune; but it saves the republic, which is the first and supreme law.

Among the debilities of the government of the Confederation, no one was more distinguished or more distressing than the utter impossibility of obtaining, from the states, the monies necessary for the payment of debts, or even for the ordinary expenses of the government. Some contributed a little, some less, & some nothing, and the last furnished at length an excuse for the first to do nothing also. Mr. Adams, while residing at the Hague, had a general authority to borrow what sums might be requisite for ordinary & necessary expenses. Interest on the public debt, and the maintenance of the diplomatic establishment in Europe, had been habitually provided in this way. He was now elected Vice President of the U S. was soon to return to America,[1] and had referred our bankers to me for

[1] Adams returned to America before his election as Vice President.

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future councel on our affairs in their hands. But I had no powers, no instructions, no means, and no familiarity with the subject. It had always been exclusively under his management, except as to occasional and partial deposits in the hands of Mr. Grand, banker in Paris, for special and local purposes. These last had been exhausted for some time, and I had fervently pressed the Treasury board to replenish this particular deposit; as Mr. Grand now refused to make further advances. They answered candidly that no funds could be obtained until the new government should get into action, and have time to make it's arrangements. Mr. Adams had received his appointment to the court of London while engaged at Paris, with Dr. Franklin and myself, in the negotiations under our joint commissions. He had repaired thence to London, without returning to the Hague to take leave of that government. He thought it necessary however to do so now, before he should leave Europe, and accordingly went there. I learned his departure from London by a letter from Mrs. Adams received on the very day on which he would arrive at the Hague. A consultation with him, & some provision for the future was indispensable, while we could yet avail ourselves of his powers. For when they would be gone, we should be without resource. I was daily dunned by a company who had formerly made a small loan to the U S. the principal of which was now become due; and our bankers in Amsterdam had notified me that the interest on our general debt would be expected in June; that if we failed to pay it, it would be deemed

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an act of bankruptcy and would effectually destroy the credit of the U S. and all future prospect of obtaining money there; that the loan they had been authorized to open, of which a third only was filled, had now ceased to get forward, and rendered desperate that hope of resource. I saw that there was not a moment to lose, and set out for the Hague on the 2d. morning after receiving the information of Mr. Adams's journey. I went the direct road by Louvres, Senlis, Roye, Pont St. Maxence, Bois le duc, Gournay, Peronne, Cambray, Bouchain, Valenciennes, Mons, Bruxelles, Malines, Antwerp, Mordick, and Rotterdam, to the Hague, where I happily found Mr. Adams. He concurred with me at once in opinion that something must be done, and that we ought to risk ourselves on doing it without instructions, to save the credit of the U S. We foresaw that before the new government could be adopted, assembled, establish it's financial system, get the money into the treasury, and place it in Europe, considerable time would elapse; that therefore we had better provide at once for the years 88. 89. & 90. in order to place our government at it's ease, and our credit in security, during that trying interval. We set out therefore by the way of Leyden for Amsterdam, where we arrived on the 10th. I had prepared an estimate showing that

	Florins.
there would be necessary for the year 88—	531,937-10
89—	538,540
90—	473,540
Total,	1,544,017-10

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	Flor.	
to meet this the bankers had in hand	79,268–2–8	
& the unsold bonds would yield	542,800	622,068–2–8
leaving a deficit of		921,949–7–4
we proposed then to borrow a million yielding .		920,000
which would leave a small deficiency of .		1,949–7–4

Mr. Adams accordingly executed 1000. bonds, for 1000. florins each, and deposited them in the hands of our bankers, with instructions however not to issue them until Congress should ratify the measure. This done, he returned to London, and I set out for Paris; and as nothing urgent forbade it, I determined to return along the banks of the Rhine to Strasburg, and thence strike off to Paris. I accordingly left Amsterdam on the 30th of March, and proceeded by Utrecht, Nimeguen, Cleves, Duysberg, Dusseldorf, Cologne, Bonne, Coblentz, Nassau, Hocheim, Frankfort, & made an excursion to Hanau, thence to Mayence and another excursion to Rudesheim, & Johansberg; then by Oppenheim, Worms, and Manheim, and an excursion to Heidelberg, then by Spire, Carlsruh, Rastadt & Kelh, to Strasburg, where I arrived Apr. 16th, and proceeded again on the 18th, by Phalsbourg, Fenestrange, Dieuze, Moyenvie, Nancy, Toul, Ligny, Barleduc, St. Diziers, Vitry, Chalons sur Marne, Epernay, Chateau Thierri, Meaux, to Paris where I arrived on the 23d. of April [1]; and I had the satisfaction to reflect that by this journey our credit was secured, the new government was placed at ease for two years to come, and that

[1] A journal of this tour, kept by Jefferson, is printed in Washington's edition of his writings, ix., 373.

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as well as myself were relieved from the torment of incessant duns, whose just complaints could not be silenced by any means within our power.

A Consular Convention had been agreed on in 84. between Dr. Franklin and the French government containing several articles so entirely inconsistent with the laws of the several states, and the general spirit of our citizens, that Congress withheld their ratification, and sent it back to me with instructions to get those articles expunged or modified so as to render them compatible with our laws. The minister retired unwillingly from these concessions, which indeed authorized the exercise of powers very offensive in a free state. After much discussion it was reformed in a considerable degree, and the Convention was signed by the Count Montmorin and myself, on the 14th. of Nov. 88 not indeed such as I would have wished; but such as could be obtained with good humor & friendship.[1]

On my return from Holland, I had found Paris still in high fermentation as I had left it. Had the Archbishop, on the close of the assembly of Notables, immediately carried into operation the measures contemplated, it was believed they would all have been registered by the parliament, but he was slow, presented his edicts, one after another, & at considerable intervals of time, which gave time for the feelings excited by the proceedings of the Notables to cool off, new claims to be advanced, and a pressure

[1] Among the Jefferson MSS. in the Department of State are printed copies of both the consular conventions negotiated by Franklin and Jefferson, and the original draft of the latter, in Jefferson's handwriting.

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to arise for a fixed constitution, not subject to changes at the will of the King. Nor should we wonder at this pressure when we consider the monstrous abuses of power under which this people were ground to powder, when we pass in review the weight of their taxes, and inequality of their distribution; the oppressions of the tythes, of the tailles, the corvées, the gabelles, the farms & barriers; the shackles on Commerce by monopolies; on Industry by gilds & corporations; on the freedom of conscience, of thought, and of speech; on the Press by the Censure; and of person by lettres de Cachet. the cruelty of the criminal code generally, the atrocities of the Rack, the venality of judges, and their partialities to the rich; the Monopoly of Military honors by the Noblesse; the enormous expenses of the Queen, the princes & the Court; the prodigalities of pensions; & the riches, luxury, indolence & immorality of the clergy. Surely under such a mass of misrule and oppression, a people might justly press for a thoro' reformation, and might even dismount their rough-shod riders, & leave them to walk on their own legs. The edicts relative to the corvées & free circulation of grain, were first presented to the parliament and registered. But those for the impôt territorial, & stamp tax, offered some time after, were refused by the parliament, which proposed a call of the States General as alone competent to their authorization. Their refusal produced a Bed of justice, and their exile to Troyes. The advocates however refusing to attend them, a suspension in the administration of justice took place.

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The Parliament held out for awhile, but the ennui of their exile and absence from Paris begun at length to be felt, and some dispositions for compromise to appear. On their consent therefore to prolong some of the former taxes, they were recalled from exile, the King met them in session Nov. 19. 87. promised to call the States General in the year 92. and a majority expressed their assent to register an edict for successive and annual loans from 1788. to 92. But a protest being entered by the Duke of Orleans and this encouraging others in a disposition to retract, the King ordered peremptorily the registry of the edict, and left the assembly abruptly. The parliament immediately protested that the votes for the enregistry had not been legally taken, and that they gave no sanction to the loans proposed. This was enough to discredit and defeat them. Hereupon issued another edict for the establishment of a cour plenière, and the suspension of all the parliaments in the kingdom. This being opposed as might be expected by reclamations from all the parliaments & provinces, the King gave way and by an edict of July 5. 88 renounced his cour plenière, & promised the States General for the 1st. of May of the ensuing year: and the Archbishop finding the times beyond his faculties, accepted the promise of a Cardinal's hat, was removed [Sep. 88] from the ministry, and Mr. Necker was called to the department of finance. The innocent rejoicings of the people of Paris on this change provoked the interference of an officer of the city guards, whose order for their dispersion not being obeyed, he charged them with fixed bayonets,

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killed two or three, and wounded many. This dispersed them for the moment; but they collected the next day in great numbers, burnt 10. or 12. guard houses, killed two or three of the guards, & lost 6. or 8. more of their own number. The city was hereupon put under martial law, and after awhile the tumult subsided. The effect of this change of ministers, and the promise of the States General at an early day, tranquillized the nation. But two great questions now occurred. 1. What proportion shall the number of deputies of the tiers etat bear to those of the Nobles and Clergy? And 2. shall they sit in the same, or in distinct apartments? Mr. Necker, desirous of avoiding himself these knotty questions, proposed a second call of the same Notables, and that their advice should be asked on the subject. They met Nov. 9. 88. and, by five bureaux against one, they recommended the forms of the States General of 1614. wherein the houses were separate, and voted by orders, not by persons. But the whole nation declaring at once against this, and that the tiers etat should be, in numbers, equal to both the other orders, and the Parliament deciding for the same proportion, it was determined so to be, by a declaration of Dec. 27. 88. A Report of Mr. Necker to the King, of about the same date, contained other very important concessions. 1. That the King could neither lay a new tax, nor prolong an old one. 2. It expressed a readiness to agree on the periodical meeting of the States. 3. To consult on the necessary restriction on lettres de Cachet. And 4. how far the Press might be made free. 5. It admits that

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the States are to appropriate the public money; and 6. that Ministers shall be responsible for public expenditures. And these concessions came from the very heart of the King. He had not a wish but for the good of the nation, and for that object no personal sacrifice would ever have cost him a moment's regret. But his mind was weakness itself, his constitution timid, his judgment null, and without sufficient firmness even to stand by the faith of his word. His Queen too, haughty and bearing no contradiction, had an absolute ascendency over him; and around her were rallied the King's brother d'Artois, the court generally, and the aristocratic part of his ministers, particularly Breteuil, Broglio, Vauguyon, Foulon, Luzerne, men whose principles of government were those of the age of Louis XIV. Against this host the good counsels of Necker, Montmorin, St. Priest, altho' in unison with the wishes of the King himself, were of little avail. The resolutions of the morning formed under their advice, would be reversed in the evening by the influence of the Queen & court. But the hand of heaven weighed heavily indeed on the machinations of this junto; producing collateral incidents, not arising out of the case, yet powerfully co-exciting the nation to force a regeneration of it's government, and overwhelming with accumulated difficulties this liberticide resistance. For, while laboring under the want of money for even ordinary purposes, in a government which required a million of livres a day, and driven to the last ditch by the universal call for liberty, there came on a winter of such severe cold, as was without

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example in the memory of man, or in the written records of history. The Mercury was at times 50° below the freezing point of Fahrenheit and 22° below that of Reaumur. All out-door labor was suspended, and the poor, without the wages of labor, were of course without either bread or fuel. The government found it's necessities aggravated by that of procuring immense quantities of fire-wood, and of keeping great fires at all the cross-streets, around which the people gathered in crowds to avoid perishing with cold. Bread too was to be bought, and distributed daily gratis, until a relaxation of the season should enable the people to work: and the slender stock of bread-stuff had for some time threatened famine, and had raised that article to an enormous price. So great indeed was the scarcity of bread that from the highest to the lowest citizen, the bakers were permitted to deal but a scanty allowance per head, even to those who paid for it; and in cards of invitation to dine in the richest houses, the guest was notified to bring his own bread. To eke out the existence of the people, every person who had the means, was called on for a weekly subscription, which the Curés collected and employed in providing messes for the nourishment of the poor, and vied with each other in devising such economical compositions of food as would subsist the greatest number with the smallest means. This want of bread had been foreseen for some time past and M. de Montmorin had desired me to notify it in America, and that, in addition to the market price, a premium should be given on what should be brought from

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the U S. Notice was accordingly given and produced considerable supplies. Subsequent information made the importations from America, during the months of March, April & May, into the Atlantic ports of France, amount to about 21,000 barrels of flour, besides what went to other ports, and in other months, while our supplies to their West-Indian islands relieved them also from that drain. This distress for bread continued till July.

Hitherto no acts of popular violence had been produced by the struggle for political reformation. Little riots, on ordinary incidents, had taken place, as at other times, in different parts of the kingdom, in which some lives, perhaps a dozen or twenty, had been lost, but in the month of April a more serious one occurred in Paris, unconnected indeed with the revolutionary principle, but making part of the history of the day. The Fauxbourg St. Antoine is a quarter of the city inhabited entirely by the class of day-laborers and journeymen in every line. A rumor was spread among them that a great paper manufacturer, of the name of Reveillon, had proposed, on some occasion, that their wages should be lowered to 15 sous a day. Inflamed at once into rage, & without inquiring into it's truth, they flew to his house in vast numbers, destroyed everything in it, and in his magazines & work shops, without secreting however a pin's worth to themselves, and were continuing this work of devastation when the regular troops were called in. Admonitions being disregarded, they were of necessity fired on, and a regular action ensued, in which about 100. of them

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were killed, before the rest would disperse. There had rarely passed a year without such a riot in some part or other of the Kingdom; and this is distinguished only as cotemporary with the revolution, altho' not produced by it.

The States General were opened on the 5th. of May 89. by speeches from the King, the Garde des Sceaux Lamoignon, and Mr. Necker. The last was thought to trip too lightly over the constitutional reformations which were expected. His notices of them in this speech were not as full as in his previous 'Rapport au Roi.' This was observed to his disadvantage. But much allowance should have been made for the situation in which he was placed between his own counsels, and those of the ministers and party of the court. Overruled in his own opinions, compelled to deliver, and to gloss over those of his opponents, and even to keep their secrets, he could not come forward in his own attitude.

The composition of the assembly, altho' equivalent on the whole to what had been expected, was something different in it's elements. It had been supposed that a superior education would carry into the scale of the Commons a respectable portion of the Noblesse. It did so as to those of Paris, of it's vicinity and of the other considerable cities, whose greater intercourse with enlightened society had liberalized their minds, and prepared them to advance up to the measure of the times. But the Noblesse of the country, which constituted two thirds of that body, were far in their rear. Residing constantly on their patrimonial feuds, and familiar-

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ized by daily habit with Seigneurial powers and practices, they had not yet learned to suspect their inconsistence with reason and right. They were willing to submit to equality of taxation, but not to descend from their rank and prerogatives to be incorporated in session with the tiers etat. Among the clergy, on the other hand, it had been apprehended that the higher orders of the hierarchy, by their wealth and connections, would have carried the elections generally. But it proved that in most cases the lower clergy had obtained the popular majorities. These consisted of the Curés, sons of the peasantry who had been employed to do all the drudgery of parochial services for 10. 20. or 30 Louis a year; while their superiors were consuming their princely revenues in palaces of luxury & indolence.

The objects for which this body was convened being of the first order of importance, I felt it very interesting to understand the views of the parties of which it was composed, and especially the ideas prevalent as to the organization contemplated for their government. I went therefore daily from Paris to Versailles, and attended their debates, generally till the hour of adjournment. Those of the Noblesse were impassioned and tempestuous. They had some able men on both sides, and actuated by equal zeal. The debates of the Commons were temperate, rational and inflexibly firm. As preliminary to all other business, the awful questions came on, Shall the States sit in one, or in distinct apartments? And shall they vote by heads or houses? The opposition was soon found to consist of the Episcopal

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order among the clergy, and two thirds of the Noblesse; while the tiers etat were, to a man, united and determined. After various propositions of compromise had failed, the Commons undertook to cut the Gordian knot. The Abbe Sieyes, the most logical head of the nation (author of the pamphlet *Qu'est ce que le tiers etat?* which had electrified that country, as Paine's *Common sense* did us) after an impressive speech on the 10th of June, moved that a last invitation should be sent to the Nobles and Clergy, to attend in the Hall of the States, collectively or individually for the verification of powers, to which the commons would proceed immediately, either in their presence or absence. This verification being finished, a motion was made, on the 15th. that they should constitute themselves a National assembly; which was decided on the 17th. by a majority of four fifths. During the debates on this question, about twenty of the Curés had joined them, and a proposition was made in the chamber of the clergy that their whole body should join them. This was rejected at first by a small majority only; but, being afterwards somewhat modified, it was decided affirmatively, by a majority of eleven. While this was under debate and unknown to the court, to wit, on the 19th. a council was held in the afternoon at Marly, wherein it was proposed that the King should interpose by a declaration of his sentiments, in a *seance royale*. A form of declaration was proposed by Necker, which, while it censured in general the proceedings both of the Nobles and Commons, announced the King's views, such as substan-

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tially to coincide with the Commons. It was agreed to in council, the *seance* was fixed for the 22d. the meetings of the States were till then to be suspended, and everything, in the meantime, kept secret. The members the next morning (20th.) repairing to their house as usual, found the doors shut and guarded, a proclamation posted up for a seance royale on the 22d. and a suspension of their meetings in the meantime. Concluding that their dissolution was now to take place, they repaired to a building called the "Jeu de paume" (or Tennis court) and there bound themselves by oath to each other, never to separate of their own accord, till they had settled a constitution for the nation, on a solid basis, and if separated by force, that they would reassemble in some other place. The next day they met in the church of St. Louis, and were joined by a majority of the clergy. The heads of the Aristocracy saw that all was lost without some bold exertion. The King was still at Marly. Nobody was permitted to approach him but their friends. He was assailed by falsehoods in all shapes. He was made to believe that the Commons were about to absolve the army from their oath of fidelity to him, and to raise their pay. The court party were now all rage and desperate. They procured a committee to be held consisting of the King and his ministers, to which Monsieur & the Count d' Artois should be admitted. At this committee the latter attacked Mr. Necker personally, arraigned his declaration, and proposed one which some of his prompters had put into his hands. Mr. Necker was brow-beaten and intimidated, and the

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King shaken. He determined that the two plans should be deliberated on the next day and the seance royale put off a day longer. This encouraged a fiercer attack on Mr. Necker the next day. His draught of a declaration was entirely broken up, & that of the Count d'Artois inserted into it. Himself and Montmorin offered their resignation, which was refused, the Count d'Artois saying to Mr. Necker "No sir, you must be kept as the hostage; we hold you responsible for all the ill which shall happen." This change of plan was immediately whispered without doors. The Noblesse were in triumph; the people in consternation. I was quite alarmed at this state of things. The soldiery had not yet indicated which side they should take, and that which they should support would be sure to prevail. I considered a successful reformation of government in France, as ensuring a general reformation thro Europe, and the resurrection, to a new life, of their people, now ground to dust by the abuses of the governing powers. I was much acquainted with the leading patriots of the assembly. Being from a country which had successfully passed thro' a similar reformation, they were disposed to my acquaintance, and had some confidence in me. I urged most strenuously an immediate compromise; to secure what the government was now ready to yield, and trust to future occasions for what might still be wanting. It was well understood that the King would grant at this time 1. Freedom of the person by Habeas corpus. 2. Freedom of conscience. 3. Freedom of the press. 4. Trial by jury. 5. A repre-

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sentative legislature. 6. Annual meetings. 7. The origination of laws. 8. The exclusive right of taxation and appropriation. And 9. The responsibility of ministers; and with the exercise of these powers they would obtain in future whatever might be further necessary to improve and preserve their constitution. They thought otherwise however, and events have proved their lamentable error. For after 30. years of war, foreign and domestic, the loss of millions of lives, the prostration of private happiness, and foreign subjugation of their own country for a time, they have obtained no more, nor even that securely. They were unconscious of (for who could foresee?) the melancholy sequel of their well-meant perseverance; that their physical force would be usurped by a first tyrant to trample on the independance, and even the existence, of other nations: that this would afford fatal example for the atrocious conspiracy of Kings against their people; would generate their unholy and homicide alliance to make common cause among themselves, and to crush, by the power of the whole, the efforts of any part, to moderate their abuses and oppressions.

When the King passed, the next day, thro' the lane formed from the Chateau to the Hotel des etats, there was a dead silence. He was about an hour in the House delivering his speech & declaration. On his coming out a feeble cry of "Vive le Roy" was raised by some children, but the people remained silent & sullen. In the close of his speech he had ordered that the members should follow him, & resume their deliberations the next day. The

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Noblesse followed him, and so did the clergy, except about thirty, who, with the tiers, remained in the room, and entered into deliberation. They protested against what the King had done, adhered to all their former proceedings, and resolved the inviolability of their own persons. An officer came to order them out of the room in the King's name. "Tell those who sent you, said Mirabeau, that we shall not move hence but at our own will, or the point of the bayonet." In the afternoon the people, uneasy, began to assemble in great numbers in the courts, and vicinities of the palace. This produced alarm. The Queen sent for Mr. Necker. He was conducted amidst the shouts and acclamations of the multitude who filled all the apartments of the palace. He was a few minutes only with the queen, and what passed between them did not transpire. The King went out to ride. He passed thro' the crowd to his carriage and into it, without being in the least noticed. As Mr. Neckar followed him universal acclamations were raised of "vive Monsr. Neckar, vive le sauveur de la France opprimée." He was conducted back to his house with the same demonstrations of affection and anxiety. About 200. deputies of the Tiers, catching the enthusiasm of the moment, went to his house, and extorted from him a promise that he would not resign. On the 25th. 48. of the Nobles joined the tiers, & among them the D. of Orleans. There were then with them 164 members of the Clergy, altho' the minority of that body still sat apart & called themselves the chamber of the clergy. On the 26th. the Archbp. of Paris joined

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the tiers, as did some others of the clergy and of the Noblesse.

These proceedings had thrown the people into violent ferment. It gained the souldiery, first of the French guards, extended to those of every other denomination, except the Swiss, and even to the body guards of the King. They began to quit their barracks, to assemble in squads, to declare they would defend the life of the King, but would not be the murderers of their fellow-citizens. They called themselves the souldiers *of the nation*, and left now no doubt on which side they would be, in case of rupture. Similar accounts came in from the troops in other parts of the kingdom, giving good reason to believe they would side with their fathers and brothers rather than with their officers. The operation of this medicine at Versailles was as sudden as it was powerful. The alarm there was so compleat that in the afternoon of the 27th. the King wrote with his own hand letters to the Presidents of the clergy and Nobles, engaging them immediately to join the Tiers. These two bodies were debating & hesitating when notes from the Ct. d' Artois decided their compliance. They went in a body and took their seats with the tiers, and thus rendered the union of the orders in one chamber compleat.

The Assembly now entered on the business of their mission, and first proceeded to arrange the order in which they would take up the heads of their constitution, as follows:

First, and as Preliminary to the whole a general Declaration of the Rights of Man. Then specifically

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the Principles of the Monarchy; rights of the Nation; rights of the King; rights of the citizens; organization & rights of the National assembly; forms necessary for the enactment of laws; organization & functions of the provincial & municipal assemblies; duties and limits of the Judiciary power; functions & duties of the military power.

A declaration of the rights of man, as the preliminary of their work, was accordingly prepared and proposed by the Marquis de la Fayette.

But the quiet of their march was soon disturbed by information that troops, and particularly the foreign troops, were advancing on Paris from various quarters. The King had been probably advised to this on the pretext of preserving peace in Paris. But his advisers were believed to have other things in contemplation. The Marshal de Broglio was appointed to their command, a high flying aristocrat, cool and capable of everything. Some of the French guards were soon arrested, under other pretexts, but really on account of their dispositions in favor of the National cause. The people of Paris forced their prison, liberated them, and sent a deputation to the Assembly to solicit a pardon. The Assembly recommended peace and order to the people of Paris, the prisoners to the King, and asked from him the removal of the troops. His answer was negative and dry, saying they might remove themselves, if they pleased, to Noyons or Soissons. In the meantime these troops, to the number of twenty or thirty thousand, had arrived and were posted in, and between Paris and Versailles. The bridges and passes were

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guarded. At three o'clock in the afternoon of the 11th July the Count de la Luzerne was sent to notify Mr. Neckar of his dismission, and to enjoin him to retire instantly without saying a word of it to anybody. He went home, dined, and proposed to his wife a visit to a friend, but went in fact to his country house at St. Ouen, and at midnight set out for Brussels. This was not known till the next day, 12th when the whole ministry was changed, except Villedeuil, of the Domestic department, and Barenton, Garde des sceaux. The changes were as follows:

The Baron de Breteuil, president of the council of finance; de la Galaisiere, Comptroller general in the room of Mr. Neckar; the Marshal de Broglio, minister of War, & Foulon under him in the room of Puy-Segur; the Duke de la Vauguyon, minister of foreign affairs instead of the Ct. de Montmorin; de La Porte, minister of Marine, in place of the Ct. de la Luzerne; St. Priest was also removed from the council. Luzerne and Puy-Segur had been strongly of the Aristocratic party in the Council, but they were not considered as equal to the work now to be done. The King was now compleatly in the hands of men, the principal among whom had been noted thro' their lives for the Turkish despotism of their characters, and who were associated around the King as proper instruments for what was to be executed. The news of this change began to be known at Paris about 1. or 2. o'clock. In the afternoon a body of about 100 German cavalry were advanced and drawn up in the Place Louis XV. and about 200. Swiss posted at a little distance in their rear. This drew people to the

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spot, who thus accidentally found themselves in front of the troops, merely at first as spectators; but as their numbers increased, their indignation rose. They retired a few steps, and posted themselves on and behind large piles of stones, large and small, collected in that Place for a bridge which was to be built adjacent to it. In this position, happening to be in my carriage on a visit, I passed thro' the lane they had formed, without interruption. But the moment after I had passed, the people attacked the cavalry with stones. They charged, but the advantageous position of the people, and the showers of stones obliged the horse to retire, and quit the field altogether, leaving one of their number on the ground, & the Swiss in their rear not moving to their aid. This was the signal for universal insurrection, and this body of cavalry, to avoid being massacred, retired towards Versailles. The people now armed themselves with such weapons as they could find in armorer's shops and private houses, and with bludgeons, and were roaming all night thro' all parts of the city, without any decided object. The next day (13th.) the assembly pressed on the king to send away the troops, to permit the Bourgeosie of Paris to arm for the preservation of order in the city, and offer[ed] to send a deputation from their body to tranquillize them; but their propositions were refused. A committee of magistrates and electors of the city are appointed by those bodies to take upon them it's government. The people, now openly joined by the French guards, force the prison of St. Lazare, release all the prisoners, and take a great

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store of corn, which they carry to the Corn-market. Here they get some arms, and the French guards begin to form & train them. The City-committee determined to raise 48.000 Bourgeoise, or rather to restrain their numbers to 48.000. On the 14th. they send one of their members (Mons. de Corny) to the Hotel des Invalides, to ask arms for their Garde-Bourgeoise. He was followed by, and he found there a great collection of people. The Governor of the Invalids came out and represented the impossibility of his delivering arms without the orders of those from whom he received them. De Corny advised the people then to retire, and retired himself; but the people took possession of the arms. It was remarkable that not only the Invalids themselves made no opposition, but that a body of 5000. foreign troops, within 400. yards, never stirred. M. de Corny and five others were then sent to ask arms of M. de Launay, governor of the Bastile. They found a great collection of people already before the place, and they immediately planted a flag of truce, which was answered by a like flag hoisted on the Parapet. The deputation prevailed on the people to fall back a little, advanced themselves to make their demand of the Governor, and in that instant a discharge from the Bastile killed four persons, of those nearest to the deputies. The deputies retired. I happened to be at the house of M. de Corny when he returned to it, and received from him a narrative of these transactions. On the retirement of the deputies, the people rushed forward & almost in an instant were in possession of a fortification defended by 100.

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men of infinite strength, which in other times had stood several regular sieges, and had never been taken. How they forced their entrance has never been explained. They took all the arms, discharged the prisoners, and such of the garrison as were not killed in the first moment of fury, carried the Governor and Lt. Governor to the Place de Grève (the place of public execution) cut off their heads, and sent them thro' the city in triumph to the Palais royal. About the same instant a treacherous correspondence having been discovered in M. de Flesselles, prevot des marchands, they seized him in the Hotel de Ville where he was in the execution of his office, and cut off his head. These events carried imperfectly to Versailles were the subject of two successive deputations from the assembly to the king, to both of which he gave dry and hard answers for nobody had as yet been permitted to inform him truly and fully of what had passed at Paris. But at night the Duke de Liancourt forced his way into the king's bed chamber, and obliged him to hear a full and animated detail of the disasters of the day in Paris. He went to bed fearfully impressed. The decapitation of de Launai worked powerfully thro' the night on the whole aristocratic party, insomuch that, in the morning, those of the greatest influence on the Count d'Artois represented to him the absolute necessity that the king should give up everything to the Assembly. This according with the dispositions of the king, he went about 11. o'clock, accompanied only by his brothers, to the Assembly, & there read to them a speech, in which he asked their interposi-

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tion to re-establish order. Altho' couched in terms of some caution, yet the manner in which it was delivered made it evident that it was meant as a surrender at discretion. He returned to the Chateau afoot, accompanied by the assembly. They sent off a deputation to quiet Paris, at the head of which was the Marquis de la Fayette who had, the same morning, been named Commandant en chef of the Milice Bourgeoise, and Mons Bailly, former President of the States General, was called for as Prevot des marchands. The demolition of the Bastile was now ordered and begun. A body of the Swiss guards of the regiment of Ventimille, and the city horse guards joined the people. The alarm at Versailles increased. The foreign troops were ordered off instantly. Every minister resigned. The king confirmed Bailly as Prevot des Marchands, wrote to Mr. Neckar to recall him, sent his letter open to the assembly, to be forwarded by them, and invited them to go with him to Paris the next day, to satisfy the city of his dispositions; and that night, and the next morning the Count d'Artois and M. de Montesson a deputy connected with him, Madame de Polignac, Madame de Guiche, and the Count de Vaudreuil, favorites of the queen, the Abbe de Vermont, her confessor, the Prince of Condé and Duke of Bourbon fled. The king came to Paris, leaving the queen in consternation for his return. Omitting the less important figures of the procession, the king's carriage was in the center, on each side of it the assembly, in two ranks afoot, at their head the M. de la Fayette, as Commander-in-chief, on horseback, and Bourgeois

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guards before and behind. About 60.000 citizens of all forms and conditions, armed with the muskets of the Bastile and Invalids, as far as they would go, the rest with pistols, swords, pikes, pruning hooks, scythes, &c. lined all the streets thro' which the procession passed, and with the crowds of people in the streets, doors & windows, saluted them everywhere with cries of "vive la nation," but not a single "vive le roy" was heard. The King landed at the Hotel de Ville. There M. Bailly presented and put into his hat the popular cockade, and addressed him. The King being unprepared, and unable to answer, Bailly went to him, gathered from him some scraps of sentences, and made out an answer, which he delivered to the audience as from the king. On their return the popular cries were "vive le roy et la nation." He was conducted by a garde bourgeoise to his palace at Versailles, & thus concluded an amende honorable as no sovereign ever made, and no people ever received.

And here again was lost another precious occasion of sparing to France the crimes and cruelties thro' which she has since passed, and to Europe, & finally America the evils which flowed on them also from this mortal source. The king was now become a passive machine in the hands of the National Assembly, and had he been left to himself, he would have willingly acquiesced in whatever they should devise as best for the nation. A wise constitution would have been formed, hereditary in his line, himself placed at it's head, with powers so large as to enable him to do all the good of his station, and so limited

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as to restrain him from it's abuse. This he would have faithfully administered, and more than this I do not believe he ever wished. But he had a Queen of absolute sway over his weak mind, and timid virtue; and of a character the reverse of his in all points. This angel, as gaudily painted in the rhapsodies of the Rhetor Burke, with some smartness of fancy, but no sound sense was proud, disdainful of restraint, indignant at all obstacles to her will, eager in the pursuit of pleasure, and firm enough to hold to her desires, or perish in their wreck. Her inordinate gambling and dissipations, with those of the Count d'Artois and others of her clique, had been a sensible item in the exhaustion of the treasury, which called into action the reforming hand of the nation; and her opposition to it her inflexible perverseness, and dauntless spirit, led herself to the Guillotine, & drew the king on with her, and plunged the world into crimes & calamities which will forever stain the pages of modern history. I have ever believed that had there been no queen, there would have been no revolution. No force would have been provoked nor exercised. The king would have gone hand in hand with the wisdom of his sounder counsellors, who, guided by the increased lights of the age, wished only, with the same pace, to advance the principles of their social institution. The deed which closed the mortal course of these sovereigns, I shall neither approve nor condemn. I am not prepared to say that the first magistrate of a nation cannot commit treason against his country, or is unamenable to it's punishment: nor yet that where there is no written

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law, no regulated tribunal, there is not a law in our hearts, and a power in our hands, given for righteous employment in maintaining right, and redressing wrong. Of those who judged the king, many thought him wilfully criminal, many that his existence would keep the nation in perpetual conflict with the horde of kings, who would war against a regeneration which might come home to themselves, and that it were better that one should die than all. I should not have voted with this portion of the legislature. I should have shut up the Queen in a Convent, putting harm out of her power, and placed the king in his station, investing him with limited powers, which I verily believe he would have honestly exercised, according to the measure of his understanding. In this way no void would have been created, courting the usurpation of a military adventurer, nor occasion given for those enormities which demoralized the nations of the world, and destroyed, and is yet to destroy millions and millions of it's inhabitants. There are three epochs in history signalized by the total extinction of national morality. The first was of the successors of Alexander, not omitting himself. The next the successors of the first Cæsar, the third our own age. This was begun by the partition of Poland followed by that of the treaty of Pilnitz next the conflagration of Copenhagen; then the enormities of Bonaparte partitioning the earth at his will, and devastating it with fire and sword; now the conspiracy of kings, the successors of Bonaparte, blasphemously calling themselves the Holy Alliance, and treading in the footsteps of their incarcerated

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leader, not yet indeed usurping the government of other nations avowedly and in detail, but controuling by their armies the forms in which they will permit them to be governed; and reserving in petto the order and extent of the usurpations further meditated. But I will return from a digression, anticipated too in time, into which I have been led by reflection on the criminal passions which refused to the world a favorable occasion of saving it from the afflictions it has since suffered.

M. Necker had reached Basle before he was overtaken by the letter of the king, inviting him back to resume the office he had recently left. He returned immediately, and all the other ministers having resigned, a new administration was named, to wit St. Priest & Montmorin were restored; the Archbishop of Bordeaux was appointed Garde des sceaux; La Tour du Pin Minister of War; La Luzerne Minister of Marine. This last was believed to have been effected by the friendship of Montmorin; for altho' differing in politics, they continued firm in friendship, & Luzerne, altho' not an able man was thought an honest one. And the Prince of Bauvau was taken into the Council.

Seven princes of the blood royal, six ex-ministers, and many of the high Noblesse having fled, and the present ministers, except Luzerne, being all of the popular party, all the functionaries of government moved for the present in perfect harmony.

In the evening of Aug. 4. and on the motion of the Viscount de Noailles brother in law of La Fayette, the assembly abolished all titles of rank, all the

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abusive privileges of feudalism, the tythes and casuals of the clergy, all provincial privileges, and, in fine, the Feudal regimen generally. To the suppression of tythes the Abbe Sieyes was vehemently opposed; but his learned and logical arguments were unheeded, and his estimation lessened by a contrast of his egoism (for he was beneficed on them) with the generous abandonment of rights by the other members of the assembly. Many days were employed in putting into the form of laws the numerous demolitions of ancient abuses; which done, they proceeded to the preliminary work of a Declaration of rights. There being much concord of sentiment on the elements of this instrument, it was liberally framed, and passed with a very general approbation. They then appointed a Committee for the reduction of a projet of a Constitution, at the head of which was the Archbishop of Bordeaux. I received from him, as Chairman of the Commitee a letter of July 20. requesting me to attend and assist at their deliberations; but I excused myself on the obvious considerations that my mission was to the king as Chief Magistrate of the nation, that my duties were limited to the concerns of my own country, and forbade me to intermeddle with the internal transactions of that in which I had been received under a specific character only. Their plan of a constitution was discussed in sections, and so reported from time to time, as agreed to by the Committee. The first respected the general frame of the government; and that this should be formed into three departments, Executive, Legislative and Judiciary was generally agreed. But

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when they proceeded to subordinate developments, many and various shades of opinion came into conflict, and schism, strongly marked, broke the Patriots into fragments of very discordant principles. The first question Whether there should be a king, met with no open opposition, and it was readily agreed that the government of France should be monarchical & hereditary. Shall the king have a negative on the laws? shall that negative be absolute, or suspensive only? Shall there be two chambers of legislation? or one only? If two, shall one of them be hereditary? or for life? or for a fixed term? and named by the king? or elected by the people? These questions found strong differences of opinion, and produced repulsive combinations among the Patriots. The Aristocracy was cemented by a common principle of preserving the ancient regime, or whatever should be nearest to it. Making this their Polar star, they moved in phalanx, gave preponderance on every question to the minorities of the Patriots, and always to those who advocated the least change. The features of the new constitution were thus assuming a fearful aspect, and great alarm was produced among the honest patriots by these dissensions in their ranks. In this uneasy state of things, I received one day a note from the Marquis de la Fayette, informing me that he should bring a party of six or eight friends to ask a dinner of me the next day. I assured him of their welcome. When they arrived, they were La Fayette himself, Duport, Barnave, Alexander La Meth, Blacon, Mounier, Maubourg, and Dagout. These were leading patriots,

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of honest but differing opinions sensible of the necessity of effecting a coalition by mutual sacrifices, knowing each other, and not afraid therefore to unbosom themselves mutually. This last was a material principle in the selection. With this view the Marquis had invited the conference and had fixed the time & place inadvertently as to the embarrassment under which it might place me. The cloth being removed and wine set on the table, after the American manner, the Marquis introduced the objects of the conference by summarily reminding them of the state of things in the Assembly, the course which the principles of the constitution were taking, and the inevitable result, unless checked by more concord among the Patriots themselves. He observed that altho' he also had his opinion, he was ready to sacrifice it to that of his brethren of the same cause: but that a common opinion must now be formed, or the Aristocracy would carry everything, and that whatever they should now agree on, he, at the head of the National force, would maintain. The discussions began at the hour of four, and were continued till ten o'clock in the evening; during which time I was a silent witness to a coolness and candor of argument unusual in the conflicts of political opinion; to a logical reasoning, and chaste eloquence, disfigured by no gaudy tinsel of rhetoric or declamation, and truly worthy of being placed in parallel with the finest dialogues of antiquity, as handed to us by Xenophon, by Plato and Cicero. The result was an agreement that the king should have a suspensive veto on the laws, that the legislature should be com-

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posed of a single body only, & that to be chosen by the people. This Concordate decided the fate of the constitution. The Patriots all rallied to the principles thus settled, carried every question agreeably to them, and reduced the Aristocracy to insignificance and impotence. But duties of exculpation were now incumbent on me. I waited on Count Montmorin the next morning, and explained to him with truth and candor how it had happened that my house had been made the scene of conferences of such a character. He told me he already knew everything which had passed, that, so far from taking umbrage at the use made of my house on that occasion, he earnestly wished I would habitually assist at such conferences, being sure I should be useful in moderating the warmer spirits, and promoting a wholesome and practicable reformation only. I told him I knew too well the duties I owed to the king, to the nation, and to my own country to take any part in councils concerning their internal government, and that I should persevere with care in the character of a neutral and passive spectator, with wishes only and very sincere ones, that those measures might prevail which would be for the greatest good of the nation. I have no doubt indeed that this conference was previously known and approved by this honest minister, who was in confidence and communication with the patriots, and wished for a reasonable reform of the Constitution.

Here I discontinue my relation of the French revolution. The minuteness with which I have so far given it's details is disproportioned to the general

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scale of my narrative. But I have thought it justified by the interest which the whole world must take in this revolution. As yet we are but in the first chapter of it's history. The appeal to the rights of man, which had been made in the U S. was taken up by France, first of the European nations. From her the spirit has spread over those of the South. The tyrants of the North have allied indeed against it, but it is irresistible. Their opposition will only multiply it's millions of human victims; their own satellites will catch it, and the condition of man thro' the civilized world will be finally and greatly ameliorated. This is a wonderful instance of great events from small causes. So inscrutable is the arrangement of causes & consequences in this world that a two-penny duty on tea, unjustly imposed in a sequestered part of it, changes the condition of all it's inhabitants. I have been more minute in relating the early transactions of this regeneration because I was in circumstances peculiarly favorable for a knowledge of the truth. Possessing the confidence and intimacy of the leading patriots, & more than all of the Marquis Fayette, their head and Atlas, who had no secrets from me, I learnt with correctness the views & proceedings of that party; while my intercourse with the diplomatic missionaries of Europe at Paris, all of them with the court, and eager in prying into it's councils and proceedings, gave me a knolege of these also. My information was always and immediately committed to writing, in letters to Mr. Jay, and often to my friends, and a recurrence to these letters now insures me against errors of memory.

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These opportunities of information ceased at this period, with my retirement from this interesting scene of action. I had been more than a year soliciting leave to go home with a view to place my daughters in the society & care of their friends, and to return for a short time to my station at Paris. But the metamorphosis thro' which our government was then passing from it's Chrysalid to it's Organic form suspended it's action in a great degree; and it was not till the last of August that I received the permission I had asked.—And here I cannot leave this great and good country without expressing my sense of it's preeminence of character among the nations of the earth. A more benevolent people, I have never known, nor greater warmth & devotedness in their select friendships. Their kindness and accommodation to strangers is unparalleled, and the hospitality of Paris is beyond anything I had conceived to be practicable in a large city. Their eminence too in science, the communicative dispositions of their scientific men, the politeness of the general manners, the ease and vivacity of their conversation, give a charm to their society to be found nowhere else. In a comparison of this with other countries we have the proof of primacy, which was given to Themistocles after the battle of Salamis. Every general voted to himself the first reward of valor, and the second to Themistocles. So ask the travelled inhabitant of any nation, In what country on earth would you rather live?—Certainly in my own, where are all my friends, my relations, and the earliest & sweetest affections and recollections of my life. Which would be your second choice? France.

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On the 26th. of Sep. I left Paris for Havre, where I was detained by contrary winds until the 8th. of Oct. On that day, and the 9th. I crossed over to Cowes, where I had engaged the *Clermont*, Capt. Colley, to touch for me. She did so, but here again we were detained by contrary winds until the 22d. when we embarked and landed at Norfolk on the 23d. of November. On my way home I passed some days at Eppington in Chesterfield, the residence of my friend and connection, Mr. Eppes, and, while there, I received a letter from the President, Genl. Washington, by express, covering an appointment to be Secretary of State. I received it with real regret. My wish had been to return to Paris, where I had left my household establishment, as if there myself, and to see the end of the Revolution, which, I then thought would be certainly and happily closed in less than a year. I then meant to return home, to withdraw from Political life, into which I had been impresed by the circumstances of the times, to sink into the bosom of my family and friends, and devote myself to studies more congenial to my mind. In my answer of Dec. 15. I expressed these dispositions candidly to the President, and my preference of a return to Paris; but assured him that if it was believed I could be more useful in the administration of the government, I would sacrifice my own inclinations without hesitation, and repair to that destination; this I left to his decision. I arrived at Monticello on the 23d. of Dec. where I received a second letter from the President, expressing his continued wish that I should take my station there, but leaving me still at liberty to con-

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tinue in my former office, if I could not reconcile myself to that now proposed. This silenced my reluctance, and I accepted the new appointment.

In the interval of my stay at home my eldest daughter had been happily married to the eldest son [1] of the Tuckahoe branch of Randolphs, a young gentleman of genius, science and honorable mind, who afterwards filled a dignified station in the General Government, & the most dignified in his own State. I left Monticello on the 1st of March 1790. for New York. At Philadelphia I called on the venerable and beloved Franklin. He was then on the bed of sickness from which he never rose. My recent return from a country in which he had left so many friends, and the perilous convulsions to which they had been exposed, revived all his anxieties to know what part they had taken, what had been their course, and what their fate. He went over all in succession, with a rapidity and animation almost too much for his strength. When all his inquiries were satisfied, and a pause took place, I told him I had learnt with much pleasure that, since his return to America, he had been occupied in preparing for the world the history of his own life. I cannot say much of that, said he; but I will give you a sample of what I shall leave: and he directed his little grandson (William Bache) who was standing by the bedside, to hand him a paper from the table to which he pointed. He did so; and the Doctr. putting it into my hands, desired me to take it and read it at my leisure. It was about a quire of folio paper, written in a large and running

[1] Thomas Mann Randolph.

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hand very like his own. I looked into it slightly, then shut it and said I would accept his permission to read it and would carefully return it. He said, "no, keep it." Not certain of his meaning, I again looked into it, folded it for my pocket, and said again, I would certainly return it. "No," said he, "keep it." I put it into my pocket, and shortly after took leave of him. He died on the 17th, of the ensuing month of April; and as I understood that he had bequeathed all his papers to his grandson William Temple Franklin, I immediately wrote to Mr. Franklin to inform him I possessed this paper, which I should consider as his property, and would deliver to his order. He came on immediately to New York, called on me for it, and I delivered it to him. As he put it into his pocket, he said carelessly he had either the original, or another copy of it, I do not recollect which. This last expression struck my attention forcibly, and for the first time suggested to me the thought that Dr. Franklin had meant it as a confidential deposit in my hands, and that I had done wrong in parting from it. I have not yet seen the collection he published of Dr. Franklin's works,[1] and therefore know not if this is among them. I have been told it is not. It contained a narrative of the negotiations between Dr. Franklin and the British Ministry, when he was endeavoring to prevent the contest of arms which followed. The negotiation was brought about by the intervention of Ld. Howe and his sister, who, I believe, was called Lady Howe, but I may misremember her title. Ld. Howe seems

[1] It was printed in that edition.

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to have been friendly to America, and exceedingly anxious to prevent a rupture. His intimacy with Dr. Franklin, and his position with the Ministry induced him to undertake a mediation between them; in which his sister seemed to have been associated. They carried from one to the other, backwards and forwards, the several propositions and answers which past, and seconded with their own intercessions the importance of mutual sacrifices to preserve the peace & connection of the two countries. I remember that Ld. North's answers were dry, unyielding, in the spirit of unconditional submission, and betrayed an absolute indifference to the occurrence of a rupture; and he said to the mediators distinctly, at last that "a rebellion was not to be deprecated on the part of Great Britain; that the confiscations it would produce would provide for many of their friends." [1] This expression was reported by the mediators to Dr. Franklin, and indicated so cool and calculated a purpose in the Ministry, as to render compromise hopeless, and the negotiation was discontinued. If this is not among the papers published, we ask what has become of it? I delivered it with my own hands into those of Temple Franklin. It certainly established views so atrocious in the British government that it's suppression would to them be worth a great price. But could the grandson of Dr. Franklin be in such degree an accomplice in the parricide of the memory of his immortal grandfather? The suspension for more than 20. years of the general publication

[1] Neither this expression, nor any of Lord North's, were given in Franklin's narrative. *Cf.* Bigelow's *Writings of Franklin*, v. 440.

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bequeathed and confided to him, produced for awhile hard suspicions against him: and if at last all are not published, a part of these suspicions may remain with some.

I arrived at New York on the 21st. of Mar. where Congress was in session.

. So far July 29. 21.

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THE ANAS[1]

1791–1806

Explanations of the 3. volumes bound in marbled paper.

In these 3 vols will be found copies of the official opinions given in writing by me to Genl. Washington, while I was Secretary of State, with sometimes the documents belonging to the case. Some of these are the rough draughts, some press-copies, some fair ones. In the earlier part of my acting in that office I took no other note of the passing transactions: but, after awhile, I saw the importance of doing it, in aid of my memory. Very often therefore I made memorandums

[1] The so-called *Anas* are the only portion of Jefferson's writings besides his Autobiography, which do not allow of chronological arrangement. Though commencing in 1791 and extending to 1806, with an "Explanation" or preface added in 1818, they were intended by the author to constitute a unit. They are therefore appended to the Autobiography, to which they are practically a continuation, as the most satisfactory position they could be given under the chronological arrangement of this edition. With these "loose scraps" Jefferson (by his above explanation) evidently intended that certain of his official opinions, reports, and cabinet papers should be printed; but in the rebinding of his papers, his arrangement was so changed, that it is no longer possible to print these papers as he intended. The portion here printed is therefore limited to his unofficial notes and memoranda of interviews and meetings, the remainder being placed with other papers of the same nature in their chronological position.

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on loose scraps of paper, taken out of my pocket in the moment, and laid by to be copied fair at leisure, which however they hardly ever were.[1] These scraps therefore, ragged, rubbed, & scribbled as they were, I had bound with the others by a binder who came into my cabinet, did it under my own eye, and without the opportunity of reading a single paper. At this day, after the lapse of 25 years, or more, from their dates, I have given to the whole a calm revisal, when the passions of the time are past away, and the reasons of the transactions act alone on the judgment. Some of the informations I had recorded are now cut out from the rest, because I have seen that they were incorrect, or doubtful, or merely personal or private, with which we have nothing to do. I should perhaps have thought the rest not worth preserving, but for their testimony against the only history of that period[2] which pretends to have been compiled from authentic and unpublished documents. Could these documents, all, be laid open to the public eye, they might be compared, contrasted, weighed, & the truth fairly sifted out of them, for we are not to suppose that every thing found among Genl. Washington's papers is to be taken as gospel truth. Facts indeed of his own writing & inditing, must be believed by all who knew him; and opinions, which were his own, merit veneration and respect;

[1] In many cases the several different days and notes are recorded on the same sheet, showing that they were either copied, or written out from memory.

[2] This refers to Marshall's *Life of Washington*, which was a pet *bête noir* of Jefferson's. In Washington's edition (ix., 478) are some notes in answer to it.

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for few men have lived whose opinions were more unbiassed and correct. Not that it is pretended he never felt bias. His passions were naturally strong; but his reason, generally, stronger. But the materials from his own pen make probably an almost insensible part of the mass of papers which fill his presses. He possessed the love, the veneration, and confidence of all. With him were deposited suspicions & certainties, rumors & realities, facts & falsehoods, by all those who were, or who wished to be thought, in correspondence with him, and by the many Anonymi who were ashamed to put their names to their slanders. From such a Congeries history may be made to wear any hue, with which the passions of the compiler, royalist or republican, may chuse to tinge it. Had Genl. Washington himself written from these materials a history of the period they embrace, it would have been a conspicuous monument of the integrity of his mind, the soundness of his judgment, and its powers of discernment between truth & falsehood; principles & pretensions. But the party feeling of his biographer, to whom after his death the collection was confided, has culled from it a composition as different from what Genl. Washington would have offered, as was the candor of the two characters during the period of the war. The partiality of this pen is displayed in lavishments of praise on certain military characters, who had done nothing military, but who afterwards, & before he wrote, had become heroes in party, altho' not in war; and in his reserve on the merits of others, who rendered signal services indeed, but did not earn his

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praise by apostatising in peace from the republican principles for which they had fought in war. It shews itself too in the cold indifference with which a struggle for the most animating of human objects is narrated. No act of heroism ever kindles in the mind of this writer a single aspiration in favor of the holy cause which inspired the bosom, & nerved the arm of the patriot warrior. No gloom of events, no lowering of prospects ever excites a fear for the issue of a contest which was to change the condition of man over the civilized globe. The sufferings inflicted on endeavors to vindicate the rights of humanity are related with all the frigid insensibility with which a monk would have contemplated the victims of an auto da fé. Let no man believe that Genl. Washington ever intended that his papers should be used for the suicide of the cause, for which he had lived, and for which there never was a moment in which he would not have died. The abuse of these materials is chiefly however manifested in the history of the period immediately following the establishment of the present constitution; and nearly with that my memorandums begin. Were a reader of this period to form his idea of it from this history alone, he would suppose the republican party (who were in truth endeavoring to keep the government within the line of the Constitution, and prevent it's being monarchised in practice) were a mere set of grumblers, and disorganisers, satisfied with no government, without fixed principles of any, and, like a British parliamentary opposition, gaping after loaves and fishes,

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and ready to change principles, as well as position, at any time, with their adversaries.

But a short review of facts omitted, or uncandidly stated in this history will shew that the contests of that day were contests of principle, between the advocates of republican, and those of kingly government, and that, had not the former made the efforts they did, our government would have been, even at this early day, a very different thing from what the successful issue of those efforts have made it.

The alliance between the states under the old articles of confederation, for the purpose of joint defence against the aggression of Great Britain, was found insufficient, as treaties of alliance generally are, to enforce compliance with their mutual stipulations: and these, once fulfilled, that bond was to expire of itself, & each state to become sovereign and independant in all things. Yet it could not but occur to every one that these separate independencies, like the petty States of Greece, would be eternally at war with each other, & would become at length the mere partisans & satellites of the leading powers of Europe. All then must have looked forward to some further bond of union, which would ensure internal peace, and a political system of our own, independant of that of Europe. Whether all should be consolidated into a single government, or each remain independant as to internal matters, and the whole form a single nation as to what was foreign only, and whether that national government should be a monarchy or republic, would of course divide opinions

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according to the constitutions, the habits, and the circumstances of each individual. Some officers of the army, as it has always been said and believed (and Steuben and Knox have even been named as the leading agents) trained to monarchy by military habits, are understood to have proposed to Genl. Washington to decide this great question by the army before it's disbandment, and to assume himself the crown, on the assurance of their support. The indignation with which he is said to have scouted this parricid proposition, was equally worthy of his virtue and his wisdom. The next effort was (on suggestion of the same individuals, in the moment of their separation) the establishment of an hereditary order, under the name of the Cincinnati, ready prepared, by that distinction, to be engrafted into the future frame of government, & placing Genl. Washington still at their head. The General [1] wrote to me on this subject, while I was in Congress at Annapolis, and an extract from my answer is inserted in 5. Marshall's hist. pa. 28. He afterwards called on me at that place, on his way to a meeting of the society, and after a whole evening of consultation he left that place fully determined to use all his endeavors for it's total suppression. But he found it so firmly riveted in the affections of the members that, strengthened as they happened to be by an adventitious occurrence of the moment, he could effect no more than the abolition of it's hereditary principle.[2] He called

[1] See his lre., Apr. 8, 84. *T. J.*

[2] This is an error. The abolition of the hereditary principle was proposed, but never adopted.

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again on his return,[1] & explained to me fully the opposition which had been made, the effect of the occurrence from France, and the difficulty with which it's duration had been limited to the lives of the present members. Further details will be found among my papers, in his and my letters, and some in the *Encyclop. Method. Dictionnaire d'Econ. politique*, communicated by myself to M. Meusnier,[2] it's author, who had made the establishment of this society the ground, in that work, of a libel on our country. The want of some authority which should procure justice to the public creditors, and an observance of treaties with foreign nations, produced, some time after, the call of a convention of the States at Annapolis. Altho' at this meeting a difference of opinion was evident on the question of a republican or kingly government, yet, so general thro' the states, was the sentiment in favor of the former, that the friends of the latter confined themselves to a course of obstruction only, and delay, to every thing proposed. They hoped that, nothing being done, and all things going from bad to worse, a kingly government might be usurped, and submitted to by the people, as better than anarchy, & wars internal and external the certain consequences of the present want of a general government.[3] The effect of their manœuvres, with

[1] This cannot be so, as Washington did not leave Philadelphia till after May 16th, and Jefferson left Annapolis for France on May 11th.

[2] Printed *post* under 1786.

[3] No evidence whatever has been found to confirm Jefferson's account of this convention. And as it assembled to consider the commercial condition of the States, and the delegates (excepting those from New Jersey) were strictly limited to that question by their commissions, it

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the defective attendance of deputies from the states, resulted in the measure of calling a more general convention, to be held at Philadelphia. At this the same party exhibited the same practices, and with the same views of preventing a government of concord, which they foresaw would be republican, and of forcing, thro' anarchy, their way to monarchy. But the mass of that convention was too honest, too wise, and too steady to be baffled or misled by their manœuvres. One of these was, a form of government proposed by Colo. Hamilton, which would have been in fact a compromise between the two parties of royalism & republicanism. According to this, the Executive & one branch of the legislature were to be during good behavior, i. e. for life, and the Governors of the states were to be named by these two permanent organs. This however was rejected, on which Hamilton left the Convention, as desperate, & never returned again until near it's final conclusion.[1] These opinions & efforts, secret or avowed, of the advocates for monarchy, had begotten great jealousy thro' the states generally; and this jealousy it was which excited the strong opposition to the conventional constitution; a jealousy which yielded at last only to a general determination to establish certain amendments as barriers against a government either

is hardly likely that their discussions extended to the "question of a republican or kingly government."

[1] It is hardly necessary to state that Hamilton left the convention, because by the secession of his two colleagues from New York, his State was no longer able to vote. His return, and signing of the Constitution, as an individual act, met with the gravest criticism within his own State.

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monarchical or consolidated. In what passed thro' the whole period of these conventions, I have gone on the information of those who were members of them, being absent myself on my mission to France.

I returned from that mission in the 1st. year of the new government, having landed in Virginia in Dec. 89. & proceeded to N. York in March 90. to enter on the office of Secretary of State. Here certainly I found a state of things which, of all I had ever contemplated, I the least expected. I had left France in the first year of its revolution, in the fervor of natural rights, and zeal for reformation. My conscientious devotion to these rights could not be heightened, but it had been aroused and excited by daily exercise. The President received me cordially, and my Colleagues & the circle of principal citizens, apparently, with welcome. The courtesies of dinner parties given me as a stranger newly arrived among them, placed me at once in their familiar society. But I cannot describe the wonder and mortification with which the table conversations filled me. Politics were the chief topic, and a preference of kingly, over republican, government, was evidently the favorite sentiment. An apostate I could not be; nor yet a hypocrite: and I found myself, for the most part, the only advocate on the republican side of the question, unless, among the guests, there chanced to be some member of that party from the legislative Houses. Hamilton's financial system had then past. It had two objects. 1st as a puzzle, to exclude popular understanding & inquiry. 2dly, as a machine for the corruption of the legislature; for he avowed the

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opinion that man could be governed by one of two motives only, force or interest: force he observed, in this country, was out of the question; and the interests therefore of the members must be laid hold of, to keep the legislature in unison with the Executive. And with grief and shame it must be acknowledged that his machine was not without effect. That even in this, the birth of our government, some members were found sordid enough to bend their duty to their interests, and to look after personal, rather than public good. It is well known that, during the war, the greatest difficulty we encountered was the want of money or means, to pay our souldiers who fought, or our farmers, manufacturers & merchants who furnished the necessary supplies of food & clothing for them. After the expedient of paper money had exhausted itself, certificates of debt were given to the individual creditors, with assurance of payment, so soon as the U. S. should be able. But the distresses of these people often obliged them to part with these for the half, the fifth, and even a tenth of their value; and Speculators had made a trade of cozening them from the holders, by the most fraudulent practices and persuasions that they would never be paid. In the bill for funding & paying these, Hamilton made no difference between the original holders, & the fraudulent purchasers of this paper. Great & just repugnance arose at putting these two classes of creditors on the same footing, and great exertions were used to pay to the former the full value, and to the latter the price only which he had paid, with interest. But this would have prevented the game

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which was to be played, & for which the minds of greedy members were already tutored and prepared. When the trial of strength on these several efforts had indicated the form in which the bill would finally pass, this being known within doors sooner than without, and especially than to those who were in distant parts of the Union, the base scramble began. Couriers & relay horses by land, and swift sailing pilot boats by sea, were flying in all directions.[1] Active part[n]ers & agents were associated & employed in every state, town and country neighborhood, and this paper was bought up at 5/ and even as low as 2/ in the pound, before the holder knew that Congress had already provided for it's redemption at par. Immense sums were thus filched from the poor & ignorant, and fortunes accumulated by those who had themselves been poor enough before. Men thus enriched by the dexterity of a leader, would follow of course the chief who was leading them to fortune, and become the zealous instruments of all his enterprises. This game was over, and another

[1] According to Maclay's *Journal* (179) and to Jackson's speech (*Annals*, I, 1163) these expresses and vessels were despatched, immediately after the presentation of Hamilton's Report (Jan 14th), and long before his recommendations were embodied in a bill. A résumé of his report was printed in Fenno's *Gazette* for Jan. 20th, and in full in the issue for Jan. 27th, and these were extensively copied in the country press. It was therefore in the period gained by these expresses over the regular mail that the certificates were "filched"; but it should be borne in mind that from the Memorials of the public creditors of Pennsylvania and New Jersey, the resolution of the House of Representatives and the Address of Washington, (all of which had had extensive circulation), the public were already aware of the probable payment of these certificates, which is further shown by the steady rise in their value, even before Hamilton's Report was presented.

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was on the carpet at the moment of my arrival;[1] and to this I was most ignorantly & innocently made to hold the candle. This fiscal maneuvre is well known by the name of the Assumption. Independantly of the debts of Congress, the states had, during the war, contracted separate and heavy debts; and Massachusetts particularly in an absurd attempt, absurdly conducted, on the British post of Penobscot: and the more debt Hamilton could rake up, the more plunder for his mercenaries. This money, whether wisely or foolishly spent, was pretended to have been spent for general purposes, and ought therefore to be paid from the general purse. But it was objected that nobody knew what these debts were, what their amount, or what their proofs. No matter; we will guess them to be 20. millions. But of these 20. millions we do not know how much should be reimbursed to one state, nor how much to another. No matter; we will guess. And so another scramble was set on foot among the several states, and some got much, some little, some nothing. But the main object was obtained, the phalanx of the treasury was reinforced by additional recruits. This measure produced the most bitter & angry contests ever known in Congress, before or since the union of the states. I arrived in the midst of it. But a stranger

[1] Jefferson has here made the curious errors of separating the funding and assumption act, and of supposing the latter "was over" before he reached New York. Hamilton's Report was debated in the House of Representatives from February to April, and it was not till May 6th that the funding bill was presented, the section relating to assumption having been negatived in committee. This bill passed the House on June 2d, and in the Senate had the assumption section restored. Not till Aug. 4th did the bill so altered become a law.

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to the ground, a stranger to the actors on it, so long absent as to have lost all familiarity with the subject, and as yet unaware of it's object, I took no concern in it. The great and trying question however was lost in the H. of Representatives. So high were the feuds excited by this subject, that on it's rejection, business was suspended. Congress met and adjourned from day to day without doing any thing, the parties being too much out of temper to do business together. The Eastern members particularly, who, with Smith from South Carolina,[1] were the principal gamblers in these scenes, threatened a secession and dissolution. Hamilton was in despair. As I was going to the President's one day, I met him in the street. He walked me backwards & forwards before the President's door for half an hour. He painted pathetically the temper into which the legislature had been wrought, the disgust of those who were called the Creditor states, the danger of the secession of their members, and the separation of the states. He observed that the members of the administration ought to act in concert, that tho' this question was not of my department, yet a common duty should make it a common concern; that the President was the center on which all administrative questions ultimately rested, and that all of us should rally around him, and support with joint efforts measures approved by him; and that the question having been lost by a small majority only, it was

[1] In the margin Jefferson has written, and then struck out, the following: "I do not know that any member from S. Carolina engaged in this infamous business, except William Smith, whom I think it a duty to name therefore, to relieve the others from imputation."

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probable that an appeal from me to the judgment and discretion of some of my friends might effect a change in the vote, and the machine of government, now suspended, might be again set into motion. I told him that I was really a stranger to the whole subject; not having yet informed myself of the system of finances adopted, I knew not how far this was a necessary sequence; that undoubtedly if it's rejection endangered a dissolution of our union at this incipient stage, I should deem that the most unfortunate of all consequences, to avert which all partial and temporary evils should be yielded. I proposed to him however to dine with me the next day, and I would invite another friend or two, bring them into conference together, and I thought it impossible that reasonable men, consulting together coolly, could fail, by some mutual sacrifices of opinion, to form a compromise which was to save the union. The discussion took place. I could take no part in it, but an exhortatory one, because I was a stranger to the circumstances which should govern it. But it was finally agreed that, whatever importance had been attached to the rejection of this proposition, the preservation of the union, & of concord among the states was more important, and that therefore it would be better that the vote of rejection should be rescinded, to effect which some members should change their votes. But it was observed that this pill would be peculiarly bitter to the Southern States, and that some concomitant measure should be adopted to sweeten it a little to them. There had before been propositions to fix the seat of govern-

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ment either at Philadelphia, or at Georgetown on the Potomac; and it was thought that by giving it to Philadelphia for ten years, and to Georgetown permanently afterwards, this might, as an anodyne, calm in some degree the ferment which might be excited by the other measure alone. So two of the Potomac members (White & Lee,[1] but White with a revulsion of stomach almost convulsive) agreed to change their votes, & Hamilton undertook to carry the other point. In doing this the influence he had established over the Eastern members, with the agency of Robert Morris with those of the middle states, effected his side of the engagement, and so the assumption was passed, and 20. millions of stock divided among favored states, and thrown in as pabulum to the stock-jobbing herd. This added to the number of votaries to the treasury and made its Chief the master of every vote in the legislature which might give to the government the direction suited to his political views. I know well, and so must be understood, that nothing like a majority in Congress had yielded to this corruption. Far from it. But a division, not very unequal, had already taken place in the honest part of that body, between the parties styled republican and federal. The latter being monarchists in principle, adhered to Hamilton of course, as their leader in that principle, and this mercenary phalanx added to them ensured him always a majority in both houses: so that the whole action of the legislature was now under the direction of the

[1] Alexander White and Richard Bland Lee, Congressmen from Virginia. Daniel Carroll, of Md., also changed his vote.

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treasury. Still the machine was not compleat. The effect of the funding system, & of the assumption, would be temporary. It would be lost with the loss of the individual members whom it had enriched, and some engine of influence more permanent must be contrived, while these myrmidons were yet in place to carry it thro' all opposition. This engine was the Bank of the U. S. All that history is known; so I shall say nothing about it. While the government remained at Philadelphia, a selection of members of both houses were constantly kept as Directors, who, on every question interesting to that institution, or to the views of the federal head, voted at the will of that head; and, together with the stockholding members, could always make the federal vote that of the majority. By this combination, legislative expositions were given to the constitution, and all the administrative laws were shaped on the model of England, & so passed. And from this influence we were not relieved until the removal from the precincts of the bank, to Washington. Here then was the real ground of the opposition which was made to the course of administration. It's object was to preserve the legislature pure and independant of the Executive, to restrain the administration to republican forms and principles, and not permit the constitution to be construed into a monarchy, and to be warped in practice into all the principles and pollutions of their favorite English model. Nor was this an opposition to Genl. Washington. He was true to the republican charge confided to him; & has solemnly and repeatedly protested to me, in our

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private conversations, that he would lose the last drop of his blood in support of it, and he did this the oftener, and with the more earnestness, because he knew my suspicions of Hamilton's designs against it; & wished to quiet them. For he was not aware of the drift, or of the effect of Hamilton's schemes. Unversed in financial projects & calculations, & budgets, his approbation of them was bottomed on his confidence in the man. But Hamilton was not only a monarchist, but for a monarchy bottomed on corruption. In proof of this I will relate an anecdote, for the truth of which I attest the God who made me. Before the President set out on his Southern tour in April 1791. he addressed a letter of the 4th. of that month, from Mt. Vernon to the Secretaries of State, Treasury & War, desiring that, if any serious and important cases should arise during his absence, they would consult & act on them, and he requested that the Vice-president should also be consulted. This was the only occasion on which that officer was ever requested to take part in a cabinet question. Some occasion for consultation arising, I invited those gentlemen (and the Attorney genl. as well as I remember) to dine with me in order to confer on the subject. After the cloth was removed, and our question agreed & dismissed, conversation began on other matters and, by some circumstance, was led to the British constitution, on which Mr. Adams observed "purge that constitution of it's corruption, and give to it's popular branch equality of representation, and it would be the most perfect constitution ever devised by the wit of man." Hamilton paused and

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said, "purge it of it's corruption, and give to it's popular branch equality of representation, & it would become an *impracticable* government: as it stands at present, with all it's supposed defects, it is the most perfect government which ever existed." And this was assuredly the exact line which separated the political creeds of these two gentlemen. The one was for two hereditary branches and an honest elective one: the other for a hereditary king with a house of lords & commons, corrupted to his will, and standing between him and the people. Hamilton was indeed a singular character. Of acute understanding, disinterested, honest, and honorable in all private transactions, amiable in society, and duly valuing virtue in private life, yet so bewitched & perverted by the British example, as to be under thoro' conviction that corruption was essential to the government of a nation. Mr. Adams had originally been a republican. The glare of royalty and nobility, during his mission to England, had made him believe their fascination a necessary ingredient in government, and Shay's rebellion, not sufficiently understood where he then was, seemed to prove that the absence of want and oppression was not a sufficient guarantee of order. His book on the American constitutions having made known his political bias, he was taken up by the monarchical federalists, in his absence, and on his return to the U. S. he was by them made to believe that the general disposition of our citizens was favorable to monarchy. He here wrote his *Davila*, as a supplement to the former work, and his election to the

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Presidency confirmed his errors. Innumerable addresses too, artfully and industriously poured in upon him, deceived him into a confidence that he was on the pinnacle of popularity, when the gulph was yawning at his feet which was to swallow up him and his deceivers. For, when Genl Washington was withdrawn, these energumeni of royalism, kept in check hitherto by the dread of his honesty, his firmness, his patriotism, and the authority of his name now, mounted on the Car of State & free from controul, like Phäeton on that of the sun, drove headlong & wild, looking neither to right nor left, nor regarding anything but the objects they were driving at; until, displaying these fully, the eyes of the nation were opened, and a general disbandment of them from the public councils took place. Mr. Adams, I am sure, has been long since convinced of the treacheries with which he was surrounded during his administration. He has since thoroughly seen that his constituants were devoted to republican government, and whether his judgment is re-settled on it's ancient basis, or not, he is conformed as a good citizen to the will of the majority, and would now, I am persuaded, maintain it's republican structure with the zeal and fidelity belonging to his character. For even an enemy has said "he is always an honest man, & often a great one." But in the fervor of the fury and follies of those who made him their stalking horse, no man who did not witness it, can form an idea of their unbridled madness, and the terrorism with which they surrounded themselves. The horrors of the French revolution, then raging,

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aided them mainly, and using that as a raw head and bloody bones they were enabled by their stratagems of X. Y. Z. in which this historian was a leading mountebank, their tales of tub-plots, Ocean massacres, bloody buoys, and pulpit lyings, and slanderings, and maniacal ravings of their Gardiners, their Osgoods and Parishes, to spread alarm into all but the firmest breasts. Their Attorney General had the impudence to say to a republican member that deportation must be resorted to, of which, said he, "you republicans have set the example," thus daring to identify us with the murderous Jacobins of France. These transactions, now recollected but as dreams of the night, were then sad realities; and nothing rescued us from their liberticide effect but the unyielding opposition of those firm spirits who sternly maintained their post, in defiance of terror, until their fellow citizens could be aroused to their own danger, and rally, and rescue the standard of the constitution. This has been happily done. Federalism & monarchism have languished from that moment, until their treasonable combinations with the enemies of their country during the late war, their plots of dismembering the Union & their Hartford convention, has consigned them to the tomb of the dead: and I fondly hope we may now truly say "we are all republicans, all federalists," and that the motto of the standard to which our country will forever rally, will be "federal union, and republican government;" and sure I am we may say that we are indebted, for the preservation of this point of ralliance, to that opposition of which so injurious

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an idea is so artfully insinuated & excited in this history.

Much of this relation is notorious to the world, & many intimate proofs of it will be found in these notes. From the moment, where they end, of my retiring from the administration, the federalists [1] got unchecked hold of Genl. Washington. His memory was already sensibly impaired by age, the firm tone of mind for which he had been remarkable, was beginning to relax, it's energy was abated; a listlessness of labor, a desire for tranquillity had crept on him, and a willingness to let others act and even think for him. Like the rest of mankind, he was disgusted with atrocities of the French revolution, and was not sufficiently aware of the difference between the rabble who were used as instruments of their perpetration, and the steady & rational character of the American people, in which he had not sufficient confidence. The opposition too of the republicans to the British treaty, and zealous support of the federalists in that unpopular, but favorite measure of theirs, had made him all their own. Understanding moreover that I disapproved of that treaty, & copiously nourished with falsehoods by a malignant neighbor [2] of mine, who ambitioned to be his correspondent, he had become alienated from myself personally, as from the republican body generally of his fellow citizens; & he wrote the letters to Mr. Adams, and Mr. Carroll, over which, in devotion to his imperishable

[1] See note of Oct 1, 1792. *T. J.*

[2] Henry Lee, better known as Light-horse Harry.

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fame, we must forever weep as monuments of mortal decay.

TH. JEFFERSON.

Feb. 4, 1818.

Aug. 13. 1791. Notes of a conversn between A. Hamilton and Th J[efferson]. Th: J. mentioned to him a lre. recd from J[ohn] A[dam]s, disavowing Publicola,[1] & denying that he ever entertd. a wish to bring this country under a hereditary executive, or introduce an hereditary branch of legislature &c. See his lre. A. H. condemning Mr. A's writings & most particularly *Davila*,[2] as having a tendency to weaken the present govm't declared in substance as follows. "I own it is my own opn, tho' I do not publish it in Dan & Bersheba, that the present govnmt is not that which will answer the ends of society, by giving stability & protection to it's rights, and that it will probably be found expedient to go into the British form. However, since we have undertaken the experiment, I am for giving it a fair course, whatever my expectns. The success indeed so far, is greater than I had expected, & therefore at present success seems more possible than it had done heretofore, & there are still other & other stages of improvemt which, if the present does not succeed, may be tried, & ought to be tried before we give up the republican form altogether, for that mind must be really depraved which would not prefer the

[1] A series of newspaper essays in the *Massachusetts Sentinel*, written by John Quincy Adams.

[2] A series of essays published in the *Gazette of the United States*.

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equality of political rights which is the foundation of pure republicanism, if it can be obtained consistently with order. Therefore whoever by his writings disturbs the present order of things, is really blameable, however pure his intentions may be, & he was sure Mr. Adams' were pure." This is the substance of a declaration made in much more lengthy terms, & which seemed to be more formal than usual for a private conversation between two, & as if intended to qualify some less guarded expressions which had been dropped on former occasions. Th: J. has committed it to writing in the moment of A. H.'s leaving the room.

Dec. 25. 1791. Colo Gunn (of Georgia) dining the other day with Colo Hamilton said to him, with that plain freedom he is known to use, "I wish Sir you would advise your friend King, to observe some kind of consistency in his votes. There has been scarcely a question before Senate on which he has not voted both ways. On the Representation bill, for instance, he first voted for the proposition of the Representatives, and ultimately voted against it." "Why," says Colo H. "I 'll tell you as to that Colo Gunn, that it never was intended that bill should pass." Gunn told this to Butler, who told it to Th: J.[1]

Memorandum of communications made to a committee of the Senate on the subject of the

[1] This refers to the apportionment bill. The Senate amended it and returned it to the House. They refused to concur, and sent it back as originally drawn. On the motion to recede from the Senate's amendment (Dec. 15th) King voted yea, but five days later, on a motion to adhere to the Senate amendment, he again voted yea.

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diplomatic nominations to Paris, London, and the Hague. January 4th, 1792.

The Secretary of State having yesterday received a Note from Mr. Strong as Chairman of a Committee of the Senate, asking a conference with him on the subject of the late diplomatic nominations to Paris, London and the Hague, he met them in the Senate chamber in the evening of the same day, and stated to them in substance what follows.—

That he should on all occasions be ready to give to the Senate, or to any other Branch of the Government, whatever information might properly be communicated, and might be necessary to enable them to proceed in the line of their respective offices: That on the present occasion particularly, *as the Senate had to decide on the fitness of certain persons to act for the United States at certain Courts, they would be the better enabled to decide, if they were informed of the state of our affairs at those courts, and what we had to do there:* That when the Bill for providing the means of intercourse with foreign nations was before the Legislature, he had met the committees of each House, and had given them the ideas of the Executive as to the courts with which we should keep diplomatic characters, and the grades we should employ: That there were two principles which decided on the Courts, viz.t 1. *vicinage*, and 2. *commerce:* That the first operated in the cases of London and Madrid, and the second in the same cases, and also in those of France and Portugal; perhaps too of Holland: That as to all other countries our commerce and connections were too unim-

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portant to call for the exchange of diplomatic residents: That he thought we should adopt the lowest grades admissible, to wit, at Paris that of minister plenipotentiary, because that grade was already established there; the same at London, because the pride of that court, and perhaps the sense of our country and it's interests, would require a sort of equality of treatment to be observed towards them: and for Spain and Lisbon, that of Chargé des affaires only; the Hague uncertain: That at the moment of this Bill there was a complete vacancy of appointment between us and France and England, by the accidental translations of the Ministers of France and the United States to other offices, and none as yet appointed to, or from England: That in this state of things the Legislature had provided for the grade of Minister plenipotentiary, as one that was to be continued, & shewed they had their eye on that grade only, and that of Chargé des affaires; & that by the sum allowed they approved of the views then communicated: That circumstances had obliged us to change the grade at Lisbon to Minister resident, and this of course would force a change at Madrid and the Hague, as had been communicated at the time to the Senate; but that no change was made in the salary, that of Resident being made the same as had been established for a Chargé des affaires.

He then added the new circumstances which had supervened on those general ones in favour of these establishments, to wit with Paris, the proposal on their part to make a liberal Treaty, the present

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situation of their colonies which might lead to a freer commerce with them, and the arrival of a Minister plenipotentiary here; with London, their sending a Minister here in consequence of notorious and repeated applications from us, the powers given him to arrange the differences which had arisen about the execution of the Treaty, to wit; the Posts, Negroes, &c. which was now in train, and perhaps some authority to talk on the subject of arrangements of commerce, and also the circumstances which had induced that Minister to produce his commission; with Madrid, the communication from the King that he was ready to resume the negociations on the navigation of the Mississippi, and to arrange that, and a port of deposit on the most friendly footing, if we would send a proper person to Madrid for that purpose: he explained the idea of joining one of the Ministers in Europe to Mr. Carmichael for that purpose; with Lisbon, that we had to try to obtain a right of sending flour there, and mentioned Del Pinto's former favourable opinion on that subject: he stated also the interesting situation of Brazil, and the dispositions of the Court of Portugal with respect to our warfare with the Algerines; with Holland, the negociating loans for the transfer of the whole French debt there, an operation which must be of some years, because there is but a given sum of new money there every year, and only a given proportion of that will be lent to any one Nation. He then particularly recapitulated the circumstances which justified the President's having continued the grade of Minister plenipotentiary;

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but added that whenever the biennial bill should come on, each House would have a constitutional right to review the establishment again, and whenever it should appear that either House thought any part of it might be reduced, on giving to the Executive time to avail themselves of the first convenient occasion to reduce it, the Executive could not but do it; but that it would be extremely injurious now, or at any other time, to do it so abruptly as to occasion the recall of Ministers, or unfriendly sensations in any of those countries with which our commerce is interesting.—

That a circumstance recalled to the recollection of the Secretary of State this morning induced him immediately to add to the preceding verbal communication, a letter addressed to Mr. Strong in the following words.—

"PHILADELPHIA, January 4th, 1792.

"SIR—

"I am just now made to recollect a mistake in one of the answers I gave last night in the Committee of the Senate, and which therefore I beg leave to correct. After calling to their minds the footing on which Mr. Morris had left matters at the Court of London, and informing them of what had passed between the British minister here & myself, I was asked whether this was all that had taken place? Whether there had been no other or further engagement? I paused, you may remember to recollect: I knew nothing more had passed on the other side the water, because Mr. Morris's powers there had

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been determined, and I endeavoured to recollect whether anything else had passed with Mr. Hammond and myself. I answered that this was all, and added in proof, that I was sure nothing had passed between the President & Mr. Hammond personally, and so I might safely say this was all. It escaped me that there had been an informal agent here (Col: Beckwith) and so informal that it was thought proper that I should never speak on business with him, and that on a particular occasion, the question having been asked whether if a British minister should be sent here, we would send one in exchange? It was said, through another channel, that one would doubtless be sent. Having only been present when it was concluded to give the answer, and not having been myself the person who communicated it, nor having otherwise had any conversation with Col: Beckwith on the subject, it absolutely escaped my recollection at the moment the Committee put the question, and I now correct the error I committed in my answer, with the same good faith with which I committed the error in the first moment. Permit me to ask the favour of you, sir, to communicate this to the other members of the Committee, and to consider this as a part of the information I have had the honor of giving the Committee on the subject.

"I am with the most perfect esteem, sir, Your most obt & most h'ble servant.

"TH: JEFFERSON.

"Mr. STRONG."

Which letter with the preceding statement, con-

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tains the substance of what the Secretary of State has communicated to the Committee, as far as his memory enables him to recollect.

TH: JEFFERSON.

January 4th, 1792.

Feb. 12. 1792. Colo. Beckwith called on me and informed me that tho' not publicly commissioned he had been sent here on the part of his government, that arriving before I came into office he had been put into the hands of another department, not indeed by the Chief Magistrate directly, as he had never had any direct communications, but informally & had never been transferred to my department: that on commencing his correspondence with the Secretary of State of Gr. Britain, he had thought it his duty to make that circumstance known to us: that Mr. Hammond's arrival had now rendered his longer continuance here unnecessary, as his residence hitherto had been only preparatory to Mr. Hammond's reception, that he had received orders by the last packet from the Secretary of State to return to England by the next, and that he should accdly do so. He acknowledged the personal civility with which he had been treated generally, & his entire satisfaction. [Note this was the first conversation I ever had with him, but merely as a private gentleman. I note its purport, because he was sent here by L'd Dorchester from Quebeck, which consequently authorizes us to send such a character to Quebec.

T. J.

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CONVERSATIONS WITH THE PRESIDENT.

1792. Feb. 28. I was to have been with him long enough before 3. o clock (which was the hour & day he received visits) to have opened to him a proposition for doubling the velocity of the post riders, who now travel about 50. miles a day, & might without difficulty go 100. and for taking measures (by waybills) to know where the delay is, when there is any. I was delayed by business, so as to have scarcely time to give him the outlines. I run over them rapidly, & observed afterwards that I had hitherto never spoke to him on the subject of the post office, not knowing whether it was considered as a revenue law, or a law for the general accommodation of the citizens; that the law just passed seemed to have removed the doubt, by declaring that the whole profits of the office should be applied to extending the posts & that even the past profits should be refunded by the treasury for the same purpose: that I therefore conceived it was now in the department of the Secretary of State: that I thought it would be advantageous so to declare it for another reason, to wit, that the department of treasury possessed already such an influence as to swallow up the whole Executive powers, and that even the future Presidents (not supported by the weight of character which himself possessed) would not be able to make head against this department. That in urging this measure I had certainly no personal interest, since, if I was supposed to have any appetite for power, yet as my career would certainly be exactly as short

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as his own, the intervening time was too short to be an object. My real wish was to avail the public of every occasion during the residue of the President's period, to place things on a safe footing.—He was now called on to attend his company, & he desired me to come and breakfast with him the next morning.

Feb. 29. I did so, & after breakfast we retired to his room, & I unfolded my plan for the post-office, and after such an approbation of it as he usually permitted himself on the first presentment of any idea, and desiring me to commit it to writing, he, during that pause of conversation which follows a business closed, said in an affectionate tone, that he had felt much concern at an expression which dropt from me yesterday, & which marked my intention of retiring when he should. That as to himself, many motives obliged him to it. He had through the whole course of the war, and most particularly at the close of it uniformly declared his resolution to retire from public affairs, & never to act in any public office; that he had retired under that firm resolution, that the government however which had been formed being found evidently too inefficacious, and it being supposed that his aid was of some consequence towards bringing the people to consent to one of sufficient efficacy for their own good, he consented to come into the convention, & on the same motive, after much pressing, to take a part in the new government and get it under way. That were he to continue longer, it might give room to say, that having tasted the sweets of office he could not do

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without them: that he really felt himself growing old, his bodily health less firm, his memory, always bad, becoming worse, and perhaps the other faculties of his mind showing a decay to others of which he was insensible himself, that this apprehension particularly oppressed him, that he found moreover his activity lessened, business therefore more irksome, and tranquility & retirement become an irresistible passion. That however he felt himself obliged for these reasons to retire from the government, yet he should consider it as unfortunate if that should bring on the retirement of the great officers of the government, and that this might produce a shock on the public mind of dangerous consequence. I told him that no man had ever had less desire of entering into public offices than myself; that the circumstance of a perilous war, which brought every thing into danger, & called for all the services which every citizen could render, had induced me to undertake the administration of the government of Virginia, that I had both before & after refused repeated appointments of Congress to go abroad in that sort of office, which if I had consulted my own gratification, would always have been the most agreeable to me, that at the end of two years, I resigned the government of Virginia, & retired with a firm resolution never more to appear in public life, that a domestic loss however happened, and made me fancy that absence, & a change of scene for a time might be expedient for me, that I therefore accepted a foreign appointment limited to two years, that at the close of that, Dr. Franklin having left France, I was appointed to supply his

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place, which I had accepted, & tho' I continued in it three or four years, it was under the constant idea of remaining only a year or two longer; that the revolution in France coming on, I had so interested myself in the event of that, that when obliged to bring my family home, I had still an idea of returning & awaiting the close of that, to fix the æra of my final retirement; that on my arrival here I found he had appointed me to my present office, that he knew I had not come into it without some reluctance, that it was on my part a sacrifice of inclination to the opinion that I might be more serviceable here than in France, & with a firm resolution in my mind to indulge my constant wish for retirement at no very distant day: that when therefore I received his letter written from Mount Vernon, on his way to Carolina & Georgia, (Apr. 1. 1791) and discovered from an expression in that that he meant to retire from the government ere long, & as to the precise epoch there could be no doubt, my mind was immediately made up to make that the epoch of my own retirement from those labors, of which I was heartily tired. That however I did not believe there was any idea in either of my brethren in the administration of retiring, that on the contrary I had perceived at a late meeting of the trustees of the sinking fund that the Secretary of the Treasury had developed the plan he intended to pursue, & that it embraced years in it's view.—He said that he considered the Treasury department as a much more limited one going only to the single object of revenue, while that of the Secretary of State embracing nearly all the objects of

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administration, was much more important, & the retirement of the officer therefore would be more noticed: that tho' the government had set out with a pretty general good will of the public, yet that symptoms of dissatisfaction had lately shewn themselves far beyond what he could have expected, and to what height these might arise in case of too great a change in the administration, could not be foreseen.—

I told him that in my opinion there was only a single source of these discontents. Tho' they had indeed appear [*sic*] to spread themselves over the war department also, yet I considered that as an overflowing only from their real channel which would never have taken place if they had not first been generated in another department, to wit that of the treasury. That a system had there been contrived for deluging the states with paper money instead of gold & silver, for withdrawing our citizens from the pursuits of commerce, manufactures, buildings, & other branches of useful industry, to occupy themselves & their capitals in a species of gambling, destructive of morality, & which had introduced it's poison into the government itself. That it was a fact, as certainly known as that he & I were then conversing, that particular members of the legislature, while those laws were on the carpet, had feathered their nests with paper, had then voted for the laws, and constantly since lent all the energy of their talents, & instrumentality of their offices to the establishment and enlargement of this system: that they had chained it about our necks for a great length of time, & in order to keep the game in their

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hands had from time to time aided in making such legislative constructions of the constitution as made it a very different thing from what the people thought they had submitted to; that they had now brought forward a proposition, far beyond every one ever yet advanced, & to which the eyes of many were turned as the decision which was to let us know whether we live under a limited or an unlimited government.— He asked me to what proposition I alluded? I answered to that in the Report on manufactures which, under colour of giving *bounties* for the encouragement of particular manufactures, meant to establish the doctrine that the power given by the Constitution to collect taxes to provide for the *general welfare* of the U. S., permitted Congress to take everything under their management which *they* should deem for the *public welfare*, & which is susceptible of the application of money: consequently that the subsequent enumeration of their powers was not the description to which resort must be had, & did not at all constitute the limits of their authority: that this was a very different question from that of the bank, which was thought an incident to an enumerated power: that therefore this decision was expected with great anxiety: that indeed I hoped the proposition would be rejected, believing there was a majority in both houses against it, and that if it should be, it would be considered as a proof that things were returning into their true channel; & that at any rate I looked forward to the broad representation which would shortly take place for keeping the general constitution on it's true ground, & that this

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would remove a great deal of the discontent which had shown itself. The conversation ended with this last topic. It is here stated nearly as much at length as it really was, the expressions preserved where I could recollect them, and their substance always faithfully stated.

Th: J. March. 1. 1792.

On the 2d. of January 1792. Messrs. Fitzsimmons & Gerry (among others) dined with me. These two staid with a Mr. Learned of Connecticut after the company was gone. We got on the subject of References by the legislature to the heads of Deptmts, considering their mischief in every direction. Gerry & Fitzsimmons clearly opposed to them.

Two days aftwds (Jan. 4.) Mr. Bourne from Rho. isl.d presentd a memorial from his state; complaining of inequality in the assumption & moved to refer it to the Sec. of the Treasury. Fitzsimns, Gerry & others opposed it but it was carried.

Jan. 19. Fitzsimmons moved that the *Pr. of the U. S.* be requested to direct the Sec. of the Treasury to lay before the house informn to enable the legislature to judge of the addnl revenue necessary on the encrease of the military establmt. The house on debate struck out the words "Pres. of the U. S."

Mar. 7. The subject resumed. An animated debate took place on the tendency of references to the heads of deptmts; and it seemed that a great majority would be against it. the house adjourned. Treasury greatly alarmed, & much industry supposed to be used before next morning when it was brought

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on again & debated thro' the day, & on the question the Treasury carried it by 31. to 27.[1] but deeply wounded, since it was seen that all Pensylva except [Israel] Jacobs voted against the reference, that [Thomas Tudor] Tucker of S. C. voted for it & [Thomas] Sumpter absented himself, debauched for the moment only because of the connection of the question with a further assumption which S. Caroline favored, but that they never were to be counted on among the Treasury votes Some others absented themselves. [Elbridge] Gerry changed sides. On the whole it shewed that treasury influence was tottering.

Committed to writing this 10th of Mar. 92.

1792. Mar. 9. a Consultation at
present H.[amilton] K.[nox] & J.[efferson]
1. subject
Kirkland's[2] letter. British idea of a new line from Genesee to Ohio. see extract on another paper.

[1] Mr. Madison nevertheless opposed a reference to me to report ways and means for the Western expedition, and combated, on principle, the propriety of such references. He well knew that if he prevailed a certain consequence was my resignation. . . . To accomplish this point an effectual train, as was supposed, was laid. Besides those who ordinarily acted under Mr. Madison's banners, several who had general acted with me, from various motives—vanity, self importance, etc, etc —were enlisted. My overthrow was anticipated as certain, and Mr Madison, laying aside his wonted caution, boldly led his troops, as he imagined, to a certain victory. He was disappointed. Though late, I was apprised of the danger. Measures of counteraction were adopted, and when the question was called, Mr Madison was confounded to find characters voting against him whom he had counted upon as certain."—*Hamilton to Carrington*, May 26, 1792.

[2] Rev. Samuel Kirkland, an Indian missionary, who was on a special mission from the U. S. to N. W. Indians.

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Deputn. of 6 nations now on their way here. Their disposns doubtful. [Samuel] Street, a Connecticut man, a great scoundrel, coming with them. ⅓ of the nation agt. us. Other ⅔ qy.[1]

Agreed they should be well treated, but not overtrusted.

[Capt. Peter] Pond's report. Stedman's [*i.e.* William Steedman] report. These two persons hd. bn. to Niagara, where they had much conversn with Colo. [A.] Gordon, commandg. officer. he s[ai]d he had relation of St. Clair's defeat from a sensible Indn. who assured him the Indns. had 50. killed & 150. wounded. They were commanded by Simon Girthy, [*i.e.* Girty] a renegado white from Virga. or Pensn. He sd. the Indns. were right, that we shd. find them a powerful enemy, they were improving in war, did you ever before hear, says he, of Indns. being rallied 3. times? (this rallying was nothing more than the returns on the 3 charges with bayonets made by our troops—which produced a correspondent retiremt. of the Indns. but not a flight.) That we should never have peace of the Indns. but thro' the median. of Britain. That Britn. must appt. one Commr., the U. S. one, the Indns. one: a line must be drawn, & Britn. guarantee the line & peace. Pond says the British have a prospect of settling 1000 fam. at the Illinois. That Capt. Stevenson who was here some time ago, & who came over with Govr. Simcoe, was sent here to Hammond to confer about these matters. (Stevenson staid here 5. days & we know was con-

[1] See Brymner's *Report on Canadian Archives*, 1890, 153.

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stantly with Hammond.) Colo. Gordon refused to let Pond & Stedman go on. They pretended private business, but in reality had been sent by the President to propose peace to the North Wn. Indns.[1]

H[amilton] doubts Pond's truth & his fidelity, as he talks of a close intimacy with Colo. Gordon.

J[efferson] observes that whether Pond be faithful or false, his facts are probable, because not of a nature to be designedly communicated if false. Besides they are supported in many points from other questions.

It seems that the English exercise jur[is]d[iction] over all the country South of the Genisee, & their idea appears, to have a new line along that river, then along the Allegeney to Fort Pitt, thence due west or perhaps along the Indn. lines to the Mississipi, to give them access to the Missi. H. here mentd. that Hammond in a conversn with him had spoke of settling our incertain boundary from the lake of the wood *due West to the Missi*, by substituting from the lake of the wood *in a straight line to the head* of the Missi.

Agreed in a vote never to admit British median.

H. proposed that a summary statement of all the acts we are possessed of relative to the Aid by the British to the Indns. be made & delivered to Pinkney [2] to form a representn on it to the Ct. of London.

J. observed it wd. be proper to possess Mr. Pinkney of all facts that he mt. at all times be able to meet the Brit Min. in conversn but that whether he shd.

[1] *Cf. post*, page 209.

[2] Thomas Pinckney, Minister at London.

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make a respresentn or not, in form, dependd. on Another questn. Whether it is better to keep the negocian here, or transfer it there? for that certainly any proceedg. there wh. slacken those here, & put it in their power gradually to render them the principal. The Pr[esident] was of opn. the negotian shd. be kept here by all means.

Shall anything be said here to Hammond—J. No. There is no doubt but the aids given by subordinate officers are with secret approbn of their court. A feeble compt. to Hammond then will not change their conduct & yet will humiliate us.

Qu. proposd. by Pr. Shall a person be sent to the N. Western Indns. by the way of Fort Pitt & Vincennes to propose peace? K. observed that such a person cd. at this season be at Vincennes in 25. days & recommended one [Capt. Alexander] Trueman, & that he shd. from Ft. Washington take some of the Indn. prisoners as a safeguard.—agreed nem. con. but the person to be further considd. of.

Qu. shall a 2d. deputn be procured from the Indns. now expected here, to go to same place on same object. H. No. It will shew too much earnestness. J. No for same reason, & because 2 deputn, indepndt. of each other might counterwork each other. Pr. No for the last reason.

J. proposed taking a small post at Presque isle.

1. to cut off communcn betw. 6. Natns. & Westn. Indns. 2. to vindicate our right by possn. 3. to be able to begin a Naval preparn. H. contra. It will certainly be attacked by Eng. & bring on war. We are not in a condn to go to war—K. as usual with H.

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—Pr. When ever we take post at Presq-isle it must be by going in great force, so as to establish ourselves completely before an attack can be made, & with workmen & all materials to create a fleet instanter: & he verily believes it will come to that.

[Joseph] Brant says he has resigned his Eng. commn & means to become entirely an Indn. & wishes to herd & unite all the Indns. in a body.

The Pr's answer to St. Clair's lre of resign. considered. It was drawn by Knox. The passage was now omitted to which I objected in my Note to the Pr. of Mar. 2. K. wished to insert something like an approbn of all his conduct by the Pr.—J. said if the Pr. Approvd. all his conduct it wd. be right to say so.—Pr. sd. he hd. always disapprovd. of two things. 1. the want of informn. 2. not keepg. his army in such a position always as to be able to display them in a line behind trees in the Indn. Manner at any Moment.—K. acquiesced, & the lre was Alterd. to avoid touching on anything relative to the action, unless St. Clair shd. chuse to retain a clause acknolgg his zeal that day.

The future commander talked of.

Pr. went over all the characters.[1] viz.

[Daniel] Morgan. no head. health gone. Speculator.

[Anthony] Wayne. brave & nothing else. deserves credit for Stoney Pt. but on another occn run his head agt a wall where success was both impossible & useless.

[1] Compare this with "Washington's Opinion of his General Officers," in the *Magazine of American History*, iii., 81.

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[William] Irwin. does not know him. has formd. a midling opn of him.

H. he never distingd. himself. All that he did during war was to avoid any censure of any kind.

[James] Wilkinson. brave—enterprising to excess. but many unapprovable points in his character.

[Henry] Lee. A better head & more resource than any of them but no economy, & being a junior officer, we shd. lose benefit of good seniors who wd. not serve under him.

[Charles Cotesworth] Pin[c]kney. Sensible. tactician, but immersed in business. has refused other appmts & probably will refuse this or accept with reluctance.

Pickings [*i.e.* Andrew Pickens]. Govr. Pinkney recommends him for Southern command if necessary. sensible, modest, enterprizing, & judicious. yet doubtful if he is equal to commd. of 5000 men. wd. be an untried undertaking for him.

J. mentd. Sumpter. [Thomas Sumter] K. intimated he must be commander-in-chief or nothing. incapable of subordination. Nothing concluded.

Qu. proposed. shall we use Indns. agt Indns. & particularly shall we invite the 6. natns. to join us.

K. agreed there were but 36. of them who joined the enemy last year, & that we cd. not count on more than the Cornplanter & 200 to join us.

J. agt. employing Indns.—dishonble policy—he hd rather let 36, take the other side than have 200. on ours.

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H. disliked employing them. No depdce—barbarians—treacherous.

K. for employing 500.

Pr. they must be employed with us or they will be against us. Perhaps immaterial as to 6. nations but material as to Southern. He would use them to scour round the army at a distance. No small parties of enemy could approach thro' them to discover our Movements. he wd. ntwstg take same precautions by our own men. for fear of infidelity.—expensive, discontented, insubordinate.

Conclusion. they shall not be invited but to be told that if they cannot restrain their young men from taking one side or the other, we will receive & employ them.

Written this 10th. of Mar. 92.

1792. Mar. 11. Consulted verbally by the President on whom a commee of the Senate (Izard, Morris, & King) are to wait to-morrow morning to know whether he will think it proper to redeem our Algerine captives & make a treaty with the Algerines on the single vote of the Senate without taking that of the Represent.

My opn run on the following heads.

We must go to Algiers with the cash in our hands. Where shall we get it? By loan? By converting money now in the treasury?

Probably a loan mt be obtd on the Presid's authority but as this cd nt be repd without a subseqt act of legislature, the Represent mt refuse it.

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So if convert money in treasury, they may refuse to sanction it.

The subseqt approbatn of the Sen being necessary to validate a treaty they expect to be consulted beforehand if the case admits.

So the subseqt act of the Repr. being necessary where money is given, why shd nt they expect to be consulted in like manner when the case admits. A treaty is a law of the land. But prudence will point out this difference to be attended to in making them; viz. where a treaty contains such articles only as will go into ex-n of themselves, or be carried into ex-n by the judges, they may be safely made; but where there are articles which require a law to be passed afterwds by the legislature, great caution is requisite.

e. g. the consular convention with France required a very small legislative reguln. This convention was unanimously ratified by the Senate. Yet the same identical men threw by the law to enforce it at the last session, & the Repr. at this session have placed it among the laws which they may take up or not at their own convenience, as if that was a higher motive than the public faith.

Therefore against hazarding this transaction with out the sanction of both houses.

The Pres. concurred. The Senate express the motive for this proposn to be a fear that the Repr would not keep the secret. He has no opinion of the secrecy of the senate. In this very case Mr. Izard made the communication to him setting next to him at table on one hand, while a lady (Mrs. McLane) was on his other hand and the Fr. minister next to

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her, and as Mr. Izard got on with his communication, his voice kept rising, & his stutter bolting the words out loudly at intervals, so that the minister might hear if he would. He sd. he hd a great mind at one time to have got up in order to put a stop to Mr. Izard.

Mar. 11. 1792. Mr. [Samuel] Sterret tells me that sitting round a fire the other day with 4 or 5. others of [which?] Mr. [William Loughton] Smith (of S. C.), was one, somebody mentioned that the murderers of Hogeboom sheriff of Columbia county N. York, were acquitted. "Aye, says Smith, this is what comes of your damned *trial by jury*."

Verbal answer proposed to the President to be made to the commee who are to wait on him with the resoln of the 10th. inst. congratulating on the completion & acceptance of the French constn.

That the President will, in his answer, communicate to the King of the French, the sentiments expressed by the H. of representatives in the resolution which the committee has delivered him.

Mar. 12. 1792.

1791. Towards the latter end of Nov. H. had drawn Ternant into a conversation on the subject of the treaty of commerce recommdd. by the Natl. assembly of France to be negotiated with us, and as he hd nt recd. instrns on the subject he led him into a proposal that Ternant shd take the thing up as a volunteer with me, that we shd arrange condns, and let them go for confirmn or refusal. H. communi-

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cated this to the Presid. who came into it, & proposed it to me. I disapproved of it, observg that such a volunteer project would be binding on us, & not on them, that it would enable them to find out how far we would go, & avail themselves of it. However the Presidt. thot it worth trying & I acquiesced. I prepared a plan of treaty for exchanging the privileges of native subjects and fixing all duties forever as they now stood. He did not like this way of fixing the duties because he said that many articles here would bear to be raised and therefore he would prepare a tariff. He did so raising duties for the French from 25. to 50 per cent. So they were to give us the privileges of native subjects, and we, as a compensation, were to make them pay higher duties. H. havg made his arrangemts with Hammond to pretend that tho' he had no powers to conclude a treaty of commerce yet his genl. commn authorized him to enter into the discussion of one, then proposed to the President at one of our meetings that the business should be taken up with Hammond in the same informal way. I now discovd. the trap which he hd laid by first getting the Presidt into that step with Ternant, I opposed the thing warmly. H. observed if we did it with Ternant we shd also with Hammond. The Presid thot this reasonable. I desired him to recollect I had been agt it with Ternant, & only acquiesced under his opn. So the matter went off as to both. His scheme was evidently to get us engaged first with Ternant, merely that he might have a pretext to engage us on the same ground with Hammond, taking care at the

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same time, by an extravagant tariff to render it impossible we should come to any conclusion with Ternant: probably meaning at the same time to propose terms so favble to Gr. Br. as wd attach us to that country by treaty. On one of those occans he asserted that our commerce with Gr. Br. & her colonies was put on a much more favble footing than with France & her colonies. I therefore prepared the tabular comparative view of the footing of our commerce with those nations, which see among my papers. See also my project of a treaty & H.'s tariff.

Committed to writing Mar. 11. 1792.

It was observable that whenever at any of our consultns anything was proposed as to Gr. Br. Hamilton had constantly ready something which Mr. Hammond had communicated to him, which suited the subject, and proved the intimacy of their communications: insomuch that I believe he communicated to Hammond all our views & knew from him in return the views of the British court. Many evidences of this occurred. I will state some.—I delivd to the Presid. my report of Instrns for Carmichl. & Short on the subjects of navign, boundary & commerce; & desired him to submit it to Hamilton. H. made several just criticisms on difft parts of it. But where I asserted that the U. S. had no right to alienate an inch of the territory of any state he attacked & denied the doctrine. See my report, his note & my answer.[1] A few days after came to hand

[1] *Cf. ante*, page 201.

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Kirkland's lre informing us that the British at Niagara expected to run a new line between them and us, and the reports of Pond & Stedman, informing us it was understood at Niagara that Capt Stevenson had bn sent here by Simcoe to settle that plan with Hammd. Hence Hamilton's attack of the principle I had laid down, in order to prepare the way for this new line. See minute of Mar. 9. Another proof. At one of our consultns about the last of Dec. I mentd. that I wished to give in my report on commerce, in which I cd nt avoid recommendg. a commercial retaliation agt Gr. B. H. opposed it violently; & among other arguments observed that it was of more importance to us to have the posts than to commence a commercial war, that this & this alone wd free us from the expense of the Indn. wars, that it wd therefore be the height of imprudce in us while treating for the surrender of the posts to engage in anything which wd irritate them, that if we did so, they wd naturally say "these people mean war let us therefore hold what we have in our hands." This argument struck me forcibly, & I said "if there is a hope of obtaining the posts, I agree it wd be imprudent to risk that hope by a commercial retaliation. I will therefore wait till Mr. Hammond gives me in his assignment of breaches, & if that gives a glimmering of hope that they mean to surrender the posts, I will not give in my report till the next session." Now Hammond had recd. my assignment of breaches on the 15th of Dec. and about the 22d. or 23d. had made me an apology, for not having been able to send me his counter assignment of breaches,

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but in terms which showed I might expect it in a few days. From the moment it escaped my lips in the presence of Hamilton that I wd nt give in my rept till I shd see Hammond's counter-complaint & judge if there were a hope of the posts, Hammond never said a word to me on any occn. as to the time he should be ready. At length the Presidt got out of patience & insisted I shd jog him. This I did on the 21st. of Feb. at the President's assembly, he immediately promised I should have it in a few days and accdly on the 5th. of Mar. I recd. them. Written Mar. 11. 1792.

Mar. 12. 92. Sent for by the Presidt. & desired to bring the lre he had signed to the K of France.—Went.—He said the H. of Repr had on Saturday taken up the communication he had made of the King's lre to him, and come to a vote in their own name, that he did not expect this when he sent his message & the letter; otherwise he would have sent the message without the letter as I had proposed. That he apprehendd the legislature wd be endeavoring to invade the executive.—I told him I hd understood the house had resolved to request him to join their congratulations to his on the completion & acceptance of the constitn. on which part of the vote there were only two dissentients, (Barnwell & Benson) that the vote was 35. to 16. on that part which expressed an approbn of the wisdom of the constn; that in the lre he had signed I had avoided saying a word in approbn of the constn, not knowing whether the King, in his heart, approved it. Why, indeed,

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says he, I begin to doubt very much of the affairs of France; there are papers from London as late as the 10th of Jan. which represent them as going into confusion.—He read over the letter he had signed, found there was not a word which could commit his judgmt about the constn, & gave it me back again. This is one of many proofs I have had, of his want of confidence in the event of the French revoln. The fact is, that Governeur Morris, a high flying monarchy-man, shutting his eyes & his faith to every fact against his wishes, & believing everything he desires to be true, has kept the President's mind constantly poisoned with his forebodings. That the President wishes the revoln may be established, I believe from several indications. I remember, when I recd the news of the king's flight & capture, I first told him of it at his assembly. I never saw him so much dejected by any event in my life. He expressed clearly, on this occasion, his disapprobation of the legislature referring things to the heads of departments.

Written Mar. 12.

Eod. die. Ten o'clock. A.M. The preceding was about 9 o'clock. The Presid. now sends Lear to me, to ask what answer he shall give the commee, and particularly, whether he shall add to it, that, "in making the communicn, it was not his expectn that the house should give any answer." I told Mr. Lear that I thought the house had a right, independantly of legislation, to express sentiments on other subjects. That when these subjects did not belong to any other branch particularly, they would

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publish them by their own authority; that in the present case, which respected a foreign nation, the Pres. being the organ of our nation with other nations, the house would satisfy their duty, if, instead of a direct communication, they shd. pass their sentiments thro the President. That if expressing a sentiment were really an invasion of the Executive power, it was so faint a one, that it would be difficult to demonstrate it to the public, & to a public partial to the French revoln. & not disposed to consider the approbn of it from any quarter as improper. That the Senate indeed had given many indicns of their wish to invade the Executive power. the Represent. had done it in one case which was indeed mischievous and alarming, that of giving orders to the heads of the executive depmts without consulting the Pres., but that the late vote for directing the Sec. of the Treasy to report ways & means, tho' carried, was carried by so small a majority & with the aid of members so notoriously under a local influence on that question, as to give a hope that the practice would be arrested, & the constnl. course be taken up, of asking the Pres. to have informn laid before them.[1] But that in the prest instance, it was so far from being clearly an invasion of the Executive, and wd be so little approved by the genl. voice that I cd not advise the Pres. to express any dissatisfn at the vote of the house. & I gave Lear in writing what I thot should be his answers. See it.

Mar. 31. A meeting at the P's, present Th: J.,

[1] *Cf. ante*, page 198.

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A. H., H. K. & E. R[andolph]. The subject was the resoln of the H. of Repr. of Mar. 27. to appt a commee to inquire into the causes of the failure of the late expdn under Maj. Genl. St. Clair with power to call for such persons, papers & records as may be necessary to assist their inquiries. The commee had written to Knox for the original letters, instns, &c. The President he had called us to consult, merely because it was the first example, & he wished that so far as it shd become a precedent, it should be rightly conducted. He neither acknowledged nor denied, nor even doubted the propriety of what the house were doing, for he had not thought upon it, nor was acquainted with subjects of this kind. He could readily conceive there might be papers of so secret a nature as that they ought not to be given up.—We were not prepared & wished time to think & enquire.

Apr. 2. Met again at P's on same subject. We had all considered and were of one mind 1. that the house was an inquest, & therefore might institute inquiries. 2. that they might call for papers generally. 3. that the Executive ought to communicate such papers as the public good would permit, & ought to refuse those the disclosure of which would injure the public. Consequently were to exercise a discretion. 4. that neither the commee nor House had a right to call on the head of a deptmt, who & whose papers were under the Presidt. alone, but that the commee shd instruct their chairman to move the house to address the President. We had principally consulted the proceedings of the commons in

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the case of S. Rob. Walpole, 13. Chandler's deb. For 1. point see pages 161. 170. 172 183, 187, 207: for the 2d. pa 153, 173. 207, for the 3d., 81, 173. append pa. 44 for the 4th pa. 246. Note. Hamilt. agrd with us in all these points except as to the powr of the house to call on heads of departmts. He observed that as to his departmt the act constituting it had made it subject to Congress in some points, but he thot himself not so far subject as to be obliged to produce all papers they might call for. They might demand secrets of a very mischievous nature. Here I thot he began to fear they would go to examining how far their own members & other persons in the govmt had been dabbling in stocks, banks, &c., and that he probably would choose in this case to deny their power & in short he endeavd. to place himself subject to the house when the Executive should propose what he did not like, & subject to the Executive, when the house shd propose anything disagreeable. I observed here a difference between the Brit parl & our Congress, that the former was a legislature, an inquest, & a council (S. C. page 91.) for the king. The latter was by the constn a legislature & an inquest but not a council. Finally agreed to speak separation [*sic*] to the members of the commee & bring them by persuasion into the right channel. It was agreed in this case that there was not a paper which might not be properly produced, that copies only should be sent, with an assurance that if they should desire it, a clerk should attend with the originals to be verified by themselves. The commee were Fitzsimmons, Steele, Mercer, Clarke, Sedgwick, Giles, Vining.

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April 9. 1792. The Presit. hd wished to redeem our captives at Algiers, & to make peace with them on paying an annual tribute. The Senate were willing to approve this, but unwilling to have the lower house applied to previously to furnish the money; they wished the President to take the money from the treasury, or open a loan for it. They thought that to consult the Representatives on one occasion, would give them a handle always to claim it, & would let them into a participation of the power of making treaties, which the constn had given exclusively to the President & Senate. They said too, that if the particular sum was voted by the Represent, it would not be a secret. The President had no confidence in the secresy of the Senate, & did not chuse to take money from the treasury or to borrow. But he agreed he would enter into provisional treaties with the Algerines, not to be binding on us till ratified here. I prepared questions for consultn with the Senate, & added, that the Senate were to be apprized, that on the return of the provisional treaty, & after they should advise the ratifin, he should not have the seal put to it till the *two* houses should vote the money. He asked me if the treaty stipulating a sum & ratified by him, with the advice of the Senate, would not be good under the constn, & obligatory on the Repres to furnish the money? I answered it certainly would, & that it would be the duty of the representatives to raise the money; but that they might decline to do what was their duty, & I thot it might be incautious to commit himself by a ratifin with a foreign nation, where he might be left in the

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lurch in the execution: it was possible too, to conceive a treaty, which it wd nt be their duty to provide for. He said that he did not like throwing too much into democratic hands, that if they would not do what the constn called on them to do, the government would be at an end, & must *then assume another form*. He stopped here; & I kept silence to see whether he would say anything more in the same line, or add any qualifying expression to soften what he had said, but he did neither.

I had observed that wherever the agency of either or both houses would be requisite subsequent to a treaty to carry it into effect, it would be prudent to consult them previously if the occasion admitted. That thus it was we were in the habit of consulting the Senate previously when the occasion permitted, because their subseqt ratifin would be necessary. That there was the same reason for consulting the lower house previously where they were to be called on afterwards, & especially in a case of money, as they held the purse strings & would be jealous of them. However he desired me to strike out the intimation that the seal would not be put till both houses should have voted the money.

Apr. 6. The President called on me before breakfast & first introduced some other matters, then fell on the representn bill which he had now in his possn for the 10th day. I had before given him my opn [1] in writing that the method of apportionmt was

[1] Apr. 4, 1791.

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contrary to the constn. He agreed that it was contrary to the common understanding of that instrument, & to what was understood at the time by the makers of it: that yet it would bear the constn which the bill put, & he observed that the vote for & against the bill was perfectly geographical, a northern agt a southern vote, & he feared he should be thought to be taking side with a southern party. I admitted this motive of delicacy, but that it should not induce him to do wrong: urged the dangers to which the scramble for the fractionary members would always lead. He here expressed his fear that there would ere long, be a separation of the union; that the public mind seemed dissatisfied & tending to this. He went home, sent for Randolph the Atty Genl. desired him to get Mr. Madison immediately & come to me, & if we three concurred in opn that he should negative the bill, he desired to hear nothing more about it but that we would draw the instrument for him to sign. They came. Our minds had been before made up. We drew the instrumt. Randolph carried it to him & told him we all concurred in it. He walked with him to the door, and as if he still wished to get off, he said, "& you say you approve of this yourself." "Yes, Sir, says Randolph I do upon my honor." He sent it in to the H. of Representatives instantly. A few of the hottest friends of the bill expressed passion but the majority were satisfied, & both in and out of doors it gave pleasure to have at length an instance of the negative being exercised.

Written this the 9th. of April.

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NOTES OF A CONVERSATION WITH MR. HAMMOND JUNE 3, 1792

Having recd Mr. Hammond's letter of June 2, informing me that my letter of May 29 should be sent to his court for their instructions, I immediately went to his house. He was not at home. I wrote him a note inviting him to come and dine with me, alone, that we might confer together in a familiar way on the subject of our letters, and consider what was to be done. He was engaged, but said he would call on me any hour the next day. I invited him to take a solo dinner the next day. He accepted and came. After the cloth was taken off & the servants retired I introduced the conversation by adverting to that part of his letter wherein he disavowed any intentional deception if he had been misinformed & had misstated any facts, assuring him that I acquitted him of every suspicion of that kind, that he had been here too short a time to be acquainted with facts himself or to know the best sources for getting at them. That I had found great difficulty myself in the investigation of facts, & with respect to the proceedings of the courts particularly had been indebted to the circumstance of Congress being in session, so that I could apply to the members of the different states for information respecting their states.

I told him that each party having now stated the matters between the two nations in the point of view in which they appeared to each, had hoped that we might by the way of free conversation abridge what

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remained. That I expected we were to take for our basis that the treaty was to be fully executed: that on our part we had pronounced our demands explicitly to have the upper posts delivered up, & the negroes paid for. That they objected infractions on our part, which we denied; that we ought to proceed to investigate the facts on which we differed, that this was the country in which they could alone be investigated, and if it should be found we had *unjustifiably* broken the treaty, the case was of a nature to admit of a proper compromise.—He said that he believed the question had never been understood by his court, admitted they had as yet heard only one side of it, & that from a party which entertained strong feelings against us (I think he said the Refugees) that the idea would be quite new to his court of their having committed the first infractions, and of the proceedings on the subject of their debts here being on the ground of retaliation. That this gave to the case a complexion so entirely new and different from what had been contemplated, that he should not be justified in taking a single step: that he should send my letter to the ministers, that they would be able to consider facts & dates, see if they had really been the first infractors, and say what ground they would take on this new state of the case. That the matter was now for the first time carried into mutual discussion, that the close of my letter contained specific propositions, to which they would of course give specific answers adapted to the new statement of things brought forward. I replied that as to the fact of their committing the first infraction

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it could not be questioned, confessed that I believe the ministry which signed the treaty meant to execute it, that Ld Shelburne's plan was to produce a new coalescence by a liberal conduct towards us; that the ministry which succeeded thought the treaty too liberal and wished to curtail it's effect in the course of executing it: but that if every move and counter-move was to cross the Atlantic, it would be a long game indeed. He said no. That he thought they could take their ultimate ground at once, on having before them a full view of the facts, and he thought it fortunate that Mr. Bond, from whom he got most of his information, and Ld Dorchester would be on the spot to bring things to rights, & he imagined he could receive his instructions before November.—I told him that I apprehended that Ld Dorchester would not feel a disposition to promote conciliation seeing himself marked personally as an infractor; and mentioned to him the opinions entertained here of the unfriendliness of Mr. Bond's mind towards us.—He justified Mr. Bond. Believed him candid and disposed to conciliate. Besides Mr. Bond, he had received information from their other consuls and the factors of the merchants, who assured him that they could furnish proofs of the facts they communicated to him & which he had advanced on their authority, that he should now write to them to produce their authority. He admitted that the debt to British subjects might be considered as liquidated from the Potowmac northward; that S. Carolina was making a laudable effort to pay hers, and that the only important object now was that of

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Virginia, amounting by his list to two millions sterling: that the attention of the British merchants from North to South was turned to the decision of the case of Jones & Walker which he hoped would take place at the present session, & let them see what they had to depend on. I told him that I was sorry to learn that but two judges had arrived in Richmond, and that unless the third arrived they would not take it up. I desired him to observe that the question in that case related only to that description of debts which had been paid into the treasury, that without pretending to know with any accuracy what proportion of the whole debt of Virginia had been paid into the treasury, I believed it was a small one; but the case of Jones & Walker would be a precedent for those debts only: that as to the great residuary mass there were precedents enough as it appeared they were in a full course of recovery, and that there was no obstacle, real or apparent. He did not appear to have adverted to the distinction, and shewed marks of satisfaction on understanding that the question was confined to the other portion of the debts only. He thought that the collection there being once under a hopeful way, would of itself change the ground on which our difference stands. He observed that the treaty was of itself so vague and inconsistent in many of it's parts as to require an explanatory convention. He instanced the two articles, one of which gave them the navigation of the Mississippi, and the other bounded them by a due West line from the lake of the wood, which being now understood to pass beyond the most Northern

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sources of the Mississippi intercepted all access to that river: that to reconcile these articles that line should be so run as to give them access to the navigable waters of the Mississippi, and that it would even be for our interest to introduce a third power between us & the Spaniards. He asked my idea of the line from the lake of the woods, and of now settling it. I told him I knew of no objection to the settlement of it, that my idea of it was that if it was an impassable line as proposed in the treaty, it should be rendered passable by as small & unimportant an alteration as might be, which I thought would be to throw in a line running due North from the Northernmost source of the Mississippi till it should strike the Western line from the lake of the woods, that the article giving them a navigation in the Mississippi did not relate at all to this Northern boundary, but to the Southern one, & to the secret article respecting that, that he knew that our Provisional treaty was made seven weeks before that with Spain: that at the date of ours their ministers had still a hope of retaining Florida, in which case they were to come up to the 32d degree, & in which case also the navigation of the Mississippi would have been important; but that they had not been able in event to retain the country to which the navigation was to be an appendage. (It was evident to me that they had it in view to claim a slice on our Northwestern quarter that they may get into the Mississippi, indeed I thought it presented as a sort of make-weight with the Posts to compensate the great losses their citizens had sustained by the infractions charged on us.) I had

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hinted that I had not been without a hope that an early possession of the posts might have been given us, as a commencement of full execution of the treaty. He asked me if I had conceived that he was authorized to write to the Governor of Canada to deliver us the posts?—I said I had.—He smiled at that idea and assured me he had by no means any such authority.—I mentioned what I had understood to have passed between him & Genl Dickinson, which was related to me by Mr. Hawkins, to wit that the posts might be delivered upon the assurance of the recovery of their debts in Virginia. He said that if any such thing as that had dropped from him, it must have been merely as a private & unauthorized opinion, for that the opinion of his court was that the retention of the posts was but a short compensation for the losses which their citizens had sustained & would sustain by the delay of their admission into our courts. (Putting together this expression and his frequent declarations that the face of the controversy was now so totally changed from what it was understood to be at his court, that no instructions of his could be applicable to it, I concluded that his court had entertained no thought of ever giving up the posts, and had framed their instructions to him on a totally different hypothesis)—He asked what we understood to be the boundary between us and the Indians?—I told him he would see by recurring to my report on the North Western territory,[1] and by tracing the line there described on Hutchins's

[1] The ordinance of 1784, for the temporary government of the Western territory.

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map.—What did I understand to be our right in the Indian soil? 1. A right of preemption of their lands, that is to say, the sole & exclusive right of purchasing from them whenever they should be willing to sell. 2. A right of regulating the commerce between them and the whites.—Did I suppose that the right of preemption prohibited any individual of another nation from purchasing lands which the Indians should be willing to sell? Certainly. We consider it as established by the usage of different nations into a kind of Jus gentium for America, that a white nation settling down and declaring that such and such are their limits, makes an invasion of those limits by any other white nation an act of war, but gives no right of soil against the native possessors. —Did I think the right of regulating the commerce went to prohibit the British traders from coming into the Indian territory? That has been the idea. He said this would be hard on the Indians. I observed that whichever way the principle was established, it would work equally on both sides the line. I did not know whether we would gain or lose by mutual admission or exclusion. He said they apprehended our intention was to exterminate the Indians & take the lands. I assured him that, on the contrary, our system was to protect them, even against our own citizens; that we wish to get lines established with all of them, and have no views even of purchasing any more lands from them for a long time. We consider them as a mare chaussee or police, for scouring the woods on our borders, and preventing their being a cover for rovers and robbers.

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He wished the treaty had established an independent nation between us to keep us apart. He was under great apprehensions that it would become a matter of bidding as it were between the British and us who should have the greatest army there, who should have the greatest force on the lakes. That we holding posts on this side the water, & they on the other souldiers looking constantly at one another, would get into broils; & commit the two nations in war. I told him we might perhaps regulate by agreement the force to be kept on each side.—He asked what was our view in keeping a force there, that he apprehended, if we had these posts, we should be able to hinder vessels from passing. I answered that I did not know whether the position of the present posts was such as that no vessel could pass but within their gun-shot, but that each party must have a plenty of such positions on the opposite sides, exclusively of the present posts. That our view in possessing these posts was to awe the Indians, to participate in the Fur trade, to protect that trade. Protect it against whom? Against the Indians. He asked what I imagined to be their motives for keeping the posts? To influence the Indians, to keep off a rival nation and the appearance of having a rival nation, to monopolize the fur trade. He said he was not afraid of rivals if the traders would have fair play. He thought it would be better that neither party should have any military posts, but only trading houses. I told him that the idea of having no military post on either side was new to me, that it had never been mentioned among the members of the

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Executive. That therefore I could only speak for myself & say that, *primâ facie*, it accorded well with two favorite ideas of mine of leaving commerce free, & never keeping an unnecessary souldier, but when he spoke of having no military post on either side there might be difficulty in fixing the distance of the nearest posts. He said that tho' his opinion on this subject was only a private one, & he understood mine to be so also, yet he was much pleased that we two seemed to think nearly alike, as it might lead to something. He said that their principal object in the fur trade was the consumption of the goods they gave in exchange for the furs. I answered that whether the trade was carried on by English or Americans, it would be with English goods, and the route would be, not through Canada, but by the shorter channels of the Hudson or the Potowmac.

It is not pretended that the above is in the exact order, or the exact words of the conversation. This was often desultory, and I can only answer for having given generally the expression, and always the substance of what passed.

TH: JEFFERSON.

June 4. 1792.

July 10. 1792. My lre of ——[1] to the President, directed to him at Mt Vernon, had not found him there, but came to him here. He told me of this & that he would take an occasion of speaking with me on the subject. He did so this day. He began by observing that he had put it off from day to day

[1] May 23, 1792.

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because the subject was painful, to wit his remaining in office which that letter sollicited. He said that the decln he had made when he quitted his military command of never again acting in public was sincere. That however when he was called on to come forward to set the present govmt in motion, it appeared to him that circumstances were so changed as to justify a change in his resoln: he was made to believe that in 2 years all would be well in motion & he might retire. At the end of two years he found some things still to be done. At the end of the 3d year he thought it was not worth while to disturb the course of things as in one year more his office would expire & he was decided then to retire. Now he was told there would still be danger in it. Certainly if he thought so, he would conquer his longing for retirement. But he feared it would be said his former professions of retirement had been mere affectation, & that he was like other men, when once in office he could not quit it. He was sensible too of a decay of his hearing perhaps his other faculties might fall off & he not be sensible of it. That with respect to the existing causes of uneasiness, he thought there were suspicions against a particular party which had been carried a great deal too far, there might be *desires*, but he did not believe there were *designs* to change the form of govmt into a monarchy. That there might be a few who wished it in the higher walks of life, particularly in the great cities but that the main body of the people in the Eastern states were as steadily for republicanism as in the Southern. That the pieces lately published,

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& particularly in Freneau's paper seemed to have in view the exciting opposition to the govmt. That this had taken place in Pennsylve as to the excise law, accdg to informn he had recd from Genl Hand that they tended to produce a separation of the Union, the most dreadful of all calamities, and that whatever tended to produce anarchy, tended of course to produce a resort to monarchical government. He considered those papers as attacking him directly, for he must be a fool indeed to swallow the little sugar plumbs here & there thrown out to him. That in condemning the admn of the govmt they condemned him, for if they thought there were measures pursued contrary to his sentiment, they must conceive him too careless to attend to them or too stupid to understand them. That tho indeed he had signed many acts which he did not approve in all their parts, yet he had never put his name to one which he did not think on the whole was eligible. That as to the bank which had been an act of so much complaint, until there was some infallible criterion of reason, a difference of opinion must be tolerated. He did not believe the discontents extended far from the seat of govmt. He had seen & spoken with many people in Maryld & Virginia in his late journey. He found the people contented & happy. He wished however to be better informed on this head. If the discontent were more extensive than he supposed, it might be that the desire that he should remain in the government was not general.

My observns to him tended principally to enforce the topics of my lre. I will not therefore repeat

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them except where they produced observns from him. I said that the two great complaints were that the national debt was unnecessarily increased, & that it had furnished the means of corrupting both branches of the legislature. That he must know & everybody knew there was a considerable squadron in both whose votes were devoted to the paper & stock-jobbing interest, that the names of a weighty number were known & several others suspected on good grounds. That on examining the votes of these men they would be found uniformly for every treasury measure, & that as most of these measures had been carried by small majorities they were carried by these very votes. That therefore it was a cause of just uneasiness when we saw a legislature legislating for their own interests in opposition to those of the people. He said not a word on the corruption of the legislature, but took up the other point, defended the assumption, & argued that it had not increased the debt, for that all of it was honest debt. He justified the excise law, as one of the best laws which could be past, as nobody would pay the tax who did not chuse to do it. With respect to the increase of the debt by the assumption I observed to him that what was meant & objected to was that it increased the debt of the general govmt and carried it beyond the possibility of paiment. That if the balances had been settled & the debtor states directed to pay their deficiencies to the creditor states, they would have done it easily, and by resources of taxation in their power, and acceptable to the people, by a direct tax in the South, & an excise in the

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North. Still he said it would be paid by the people. Finding him really approving the treasury system I avoided entering into argument with him on those points.

Gunston hall. Sep. 30. 92. ex relatione G. Mason.

The constn as agreed to till a fortnight before the convention rose was such a one as he wd have set his hand & heart to. 1. The presidt. was to be elected for 7. years. Then ineligible for 7. more. 2. Rotation in the Senate. 3. A vote of ⅔ in the legislature on particular subjects, & expressly on that of navign.[1] The 3. New Engld states were constantly with us in all questions (Rho isld not there, & N. York seldom) so that it was these 3. states with the 5. Southern ones against Pennsylva Jersey & Delaware.

With respect to the importn of slaves it was left to Congress.[2] This disturbed the 2 Southernmost states who knew that Congress would immediately suppress the importn of slaves. Those 2 states therefore struck up a bargain with the 3. N. Engld states. If they would join to admit slaves for some years, the 2 Southernmost states wd. join in changing the clause which required ⅔ of the legislature in any vote. It was done. These articles were changed accordingly, & from that moment the two S. states and the 3 Northern ones joined Pen. Jers. & Del. & made the majority 8. to 3. against us instead of 8. to 3 for us as

[1] The president was to be ineligible for all time, and the two-thirds vote was for navigation acts only.

[2] This is an error. By the Resolutions of August 6, 1787, Congress was distinctly forbidden to either tax or prohibit the importation of slaves.

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it had been thro' the whole convention. Under this coalition the great principles of the constn were changed in the last days of the Convention.

Anecdote. Yates, Lansing & Hamilton represented N Y. Yates & Lansing never voted *in one single instance* with Ham. who was so much mortified at it that he went home. When the season for courts came on, Yates a judge & Lansing a lawyer went to attend their courts. Then Ham. returned.

Anecdote. The constitn as agreed at first was that amendments might be proposed either by Congr or the legislatures. A commee was appointed to digest & redraw. Gov Morris & King were of the commee. One morng Gov. M. moved an instn. for certain alterns (not ⅓ the members yet come in). In a hurry & without understanding it was agreed to. The committee reported so that Congr. shd have the exclusive power of proposg. amendmts. G. Mason observd it on the report & opposed it. King denied the constrn. Mason demonstrated it, & asked the commee by what authority they had varied what had been agreed. G. Morris then imprudently got up & said by authority of the convention, & produced the blind instruction before mentd. which was unknown by ⅔ of the house & not till then understood by the other. They then restored it as it stood originally.[1]

He said he considd Hamilton as having done us

[1] This committee was appointed Sept. 9th. On the following day this clause was discussed at length in convention. On the 11th the convention adjourned as soon as met, and on the 12th the revised constitution was reported, with a clause identical in this particular with that finally adopted. The events here recorded therefore could not have taken place.

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more injury than Gr. Britain & all her fleets & armies. That his (Mason's) plan of settling our debt would have been something in this way. He would have laid as much tax as could be paid without oppressing the people. Particularly he would have laid an impost of about the amount of the first laid by Congress, but somewhat different in several of it's articles. He would have suspended all application of it one year during which an office should have been open to register unalienated certificates. At the end of the year he would have appropriated his revenue. 1st. To pay the civil list. 2. The interest of these certif. 3. Instalments of the principal. 4. A surplus to buy up the alienated certificates still avoiding to make any other provision for these last. By the time the unalienated certificates should have been all paid, he supposed half the alienated ones would have been bought up at market. He would then have proceeded to redeem the residue of them.

Bladensbg. Oct. 1. This morning at Mt Vernon I had the following conversation with the President. He opened it by expressing his regret at the resolution in which I appeared so fixed in the lre I had written him of retiring from public affairs. He said that he should be extremely sorry that I should do it as long as he was in office, and that he could not see where he should find another character to fill my office. That as yet he was quite undecided whether to retire in March or not. His inclinations led him strongly to do it. Nobody disliked more the ceremonies of his office, and he had not the least taste or

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gratification in the execution of it's functions. That he was happy at home alone, and that his presence there was now peculiarly called for by the situation of Majr Washington [1] whom he thought irrecoverable & should he get well he would remove into another part of the country which might better agree with him. That he did not believe his presence necessary: that there were other characters who would do the business as well or better. Still however if his aid was thought necessary to save the cause to which he had devoted his life principally he would make the sacrifice of a longer continuance. That he therefore reserved himself for future decision, as his declaration would be in time if made a month before the day of election. He had desired Mr. Lear to find out from conversation, without appearing to make the inquiry, whether any other person would be desired by any body. He had informed him he judged from conversations that it was the universal desire he should continue, & the expectation that those who expressed a doubt of his continuance did it in the language of apprehension, and not of desire. But this, says he, is only from the north, it may be very different in the South. I thought this meant as an opening to me to say what was the sentiment in the South from which quarter I came. I told him that as far as I knew there was but one voice there which was for his continuance. That as to myself I had ever preferred the pursuits of private life to those of public, which had nothing in them agreeable to me. I explained to him the

[1] George Augustine Washington, overseer of Mount Vernon.

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circumstances of the war which had first called me into public life, and those following the war which had called me from a retirement on which I had determd. That I had constantly kept my eye on my own home, and could no longer refrain from returning to it. As to himself his presence was important, that he was the only man in the U. S. who possessed the confidce of the whole, that govmt was founded in opinion & confidence, and that the longer he remained, the stronger would become the habits of the people in submitting to the govmt. & in thinking it a thing to be maintained. That there was no other person who would be thought anything more than the head of a party.* He then expressed his concern at the difference which he found to subsist between the Sec. of the Treasury & myself, of which he said he had not been aware. He knew indeed that there was a marked difference in our political sentiments, but he had never suspected it had gone so far in producing a personal difference, and he wished he could be the mediator to put an end to it. That he thought it important to preserve the check of my opinions in the administration in order to keep things in their proper channel & prevent them from going too far. That as to the idea of transforming this govt into a monarchy he did not believe there were ten men in the U. S. whose opinions were worth attention who entertained such a thought. I told him there were many more than he imagined. I recalled to his memory a dispute at his own table a little before we left Philada, between Genl. Schuyler on one side & Pinkney & myself on the other,

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wherein the former maintained the position that hereditary descent was as likely to produce good magistrates as election. I told him that tho' the people were sound, there were a numerous sect who had monarchy in contempln. That the Secy of the Treasury was one of these. That I had heard him say that this constitution was a shilly shally thing of mere milk & water, which could not last, & was only good as a step to something better. That when we reflected that he had endeavored in the convention to make an English constn of it, and when failing in that we saw all his measures tending to bring it to the same thing it was natural for us to be jealous: and particular when we saw that these measures had established corruption in the legislature, where there was a squadron devoted to the nod of the treasury, doing whatever he had directed & ready to do what he should direct. That if the equilibrium of the three great bodies Legislative, Executive, & judiciary could be preserved, if the Legislature could be kept independant, I should never fear the result of such a government but that I could not but be uneasy when I saw that the Executive had swallowed up the legislative branch. He said that as to that interested spirit in the legislature, it was what could not be avoided in any government, unless we were to exclude particular descriptions of men, such as the holders of the funds from all office. I told him there was great difference between the little accidental schemes of self interest which would take place in every body of men & influence their votes, and a regular system for forming a corps of interested

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persons who should be steadily at the orders of the Treasury. He touched on the merits of the funding system, observed that [there?] was a difference of opinion about it some thinking it very bad, others very good. That experience was the only criterion of right which he knew & this alone would decide which opn was right. That for himself he had seen our affairs desperate & our credit lost, and that this was in a sudden & extraordinary degree raised to the highest pitch. I told him all that was ever necessary to establish our credit, was an efficient govmt & an honest one declaring it would sacredly pay our debts, laying taxes for this purpose & applying them to it. I avoided going further into the subject. He finished by another exhortation to me not to decide too positively on retirement, & here we were called to breakfast.

Oct. 31. 1792. I had sent to the President [Joseph Ignatius de] Viar & [Joseph de] Jaudenes's [1] letter of the 29th. inst whereupon he desired a consultation of Hamilton, Knox, E. R. & myself on these points. 1. What notice was to be taken hereof to Spain? 2. Whether it should make part of the communicn to the legislature? I delivered my opinion that it ought to be communicated to both houses, because the communications intended to be made being to bring on the question whether they would declare

[1] *American State Papers, foreign relations*, i., 139. From the commissioners of Spain relative to Spanish interference in the execution of the treaty between the U. S. and the Creek Indians, and to the boundary between the Spanish and U. S. settlements. It was communicated to Congress Nov. 7, 1792.

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war against any & which of the nations or parts of the nations of Indns. to the South, it would be proper this information should be before them, that they might know how far such a declaration would lead them. There might be some who would be for war agt the Indians if it were to stop there, but who would not be for it if it was to lead to a war agt Spain. I thot it should be laid before both houses, because it concerned the question of Declaring war which was the function equally of both houses. I thot a simple acknolegmt of the rect of the lre should be made by me to the Spanish Chargés, expressing that it contained some things very unexpected to us, but that we should refer the whole, as they had proposed to the negotiators at Madrid. This would secure to us a continuation of the suspension of Indian hostilities which the Govr. of N. Orleans said he had brought about till the result of the negocian at Madrid should be known, would not commit us as to running or not running the line, imply any admission of doubt about our territorial right & avoid a rupture with Spain which was much to be desired, while we had similar points to discuss with Gr. Br.

Hamilton declared himself the advocate for peace. War would derange our affairs, greatly, throw us back many years in the march towards prosperity; be difficult for us to pursue, our countrymen not disposed to become souldiers; a part of the Union feeling no interest in the war, would with difficulty be brought to exert itself; and we had no navy. He was for everything which would procrastinate the event. A year, even, was a great gain to a nation

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strengthening as we were. It laid open to us, too, the chapter of accidents, which, in the present state of Europe, was a pretty pregnant one. That while, however, he was for delaying the event of war, he had no doubt it was to take place between us for the object in question. That jealousy & perseverance were remarkable features in the character of the Span. govmt, with respect to their American possns that so far from receding as to their claims against us, they had been strengthening themselves in them. He had no doubt the present communication was by authority from the court. Under this impression, he thought we should be looking forward to the day of rupture, & preparing for it. That if we were unequal to the contest ourselves, it behoved us to provide allies for our aid. That in this view, but two nations could be named, France & Eng. France was too intimately connected with Spain in other points, & of too great mutual value ever to separate for us. Her affairs too, were such, that whatever issue they had, she could not be in a situation to make a respectable mediation for us. England alone, then, remained. It would not be easy to effect it with her; however, he was for trying it, and for sounding them on the proposition of a defensive treaty of alliance. The inducements to such a treaty, on their part, might be, 1. The desire of breaking up our former connections, which we knew they had long wished. 2. A continuance of the statu quo in commerce for 10 years, which he believed would be desirable to them. 3. An admission to some navigable part of the Mississipi, by some line

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drawn from the lake of the woods to such navigable part. He had not, he said, examined the map to see how such a line might be run so as not to make too great a sacrifice. The navign of the Missis being a joint possn we might then take measures in concert for the joint security of it. He was therefore for immediately sounding them on this subject thro' our Minister at London yet so as to keep ourselves unengaged as long as possible in hopes a favorable issue with Spain might be otherwise effected. But he was for sounding immediately & for not slipping an opportunity of securing our object.

E. R. concurred in general with me. He objected that such an alliance could not be effected with[out?] pecuniary considn probably, which we could not give And what was to be their aid? If men, our citizens would see their armies get foothold in the U. S. with great jealousy. It would be difficult to protect them. Even the French during the distresses of the late war excited some jealous sentiments.

Hamilton said, money was often but not always demanded, & the aid he should propose to stipulate would be in ships.—Knox non dissentiente.

The President said the remedy would be worse than the disease, and stated some of the disagreeable circumstances which would attend our making such overtures.

Knox's indirect hints in favor of this alliance brought to my recollection his conversn of yesterday, & that he wished it.

Nov. 92. Hamilton called on me to speak about

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our furnishing supplies to the French colony of St. Domingo.[1] He expressed his opn that we ought to be cautious & not go too far in our application of money to their use, lest it should not be recognized by the mother country. He did not even think that [2] some kinds of govt they might establish would give a sufficient sanction. I observed that the National Convent was now met, & would certainly establish a form of govmt; that as we had recognized the former govmt because establd by authority of the *nation*, so we must recognize any other which should be establd by the authority of the nation. He said we had recognized the former, because it contained an important member of the antient, to wit the King, & wore the appearance of his consent; but if, in any future form they should omit the king, he did not

[1] In Nov., 1792, Jean Baptiste Ternant, the French Minister, applied for money to relieve the Island of St. Domingo. *Cf.* Hamilton's *Works of Hamilton*, iv., 174, 328, and Jefferson's letter to Ternant, Nov. 20, 1792.

[2] There had been a previous consultation at the President's (about the 1st week in Nov.) on the expediency of suspending paiments to France under her present situation. I had admitted that the late constitution was dissolved by the dethronement of the king, and the management of affairs surviving to the National assembly only this was not an integral legislature, and therefore not competent to give a legitimate discharge for our payments: that I thought consequently, that none should be made till some legitimate body came into place, & that I should consider the National convention called, but not met as we had yet heard, to be a legitimate body. Hamilton doubted whether it would be a legitimate body, and whether, if the king should be re-established, he might not disallow such paiments on good grounds. Knox, for once, dared to differ from Hamilton, and to express, very submissively, an opinion, that a convention named by the whole body of the nation, would be competent to do anything. It ended by agreeing, that I should write to G. Morris to suspend paiment generally, till further orders. *T. J.*

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know that we could with safety recognize it, or pay money to it's order.

Nov. 11. 1792. Blodget's calculation of the circulating medium of Philadelphia the Bank of U. S. their whole stock..... 10. millions
⅓ of this payable in gold & silver..... 2½ m.
of which ¾ only are paid..... say 1½
double this amount issued in paper..... 3.
only ½ of it here..... 1.
the bank of N. A. has issued.. 2.

Amount of circulating paper of both banks... 3. millions
add the specie in circulation.....

this amounts to 60 D. each (of paper) for every inhabitant.
and the bank of the U. S. draws 10. pr. cent per ann profit from that.
the circulating cash of Gr. Br. is about..... 20 millns £ sterl.
the circulating paper.....about 30
50 = 225,000,000 doll.
which is about 28. doll. a head on the poputn of Gr. Britn.

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Nov. 19. 92. Beckley brings me the pamphlet written by Hamilton, before the war, in answer to Common Sense. It is entitled *Plain Truth*.[1] Melancthon Smith sends it to Beckley, & in his letter says, it was not printed in N. York by Loudon, because prevented by a mob, and was printed in Philada, and that he has these facts from Loudon.

Nov. 21. 1792. Mr. Butler tells me, that he dined last winter with Mr. Campbell from Denmark, in company with Hamilton, Lawrence, Dr. Shippen, T. Shippen, and one other person whom he cannot recollect. That after dinner political principles became the subject of conversation; that Hamilton declared openly, that "there was no stability, no security in any kind of government but a monarchy." That Lawrence took him up, & entered the lists of argument against him; that the dispute continued long, and grew warm, remarkably so as between them; that T. Shippen, at length, joined Lawrence in it; & in fine, that it broke up the company. Butler recommended to the company, that the dispute having probably gone farther than was intended it ought to be considered as confined to the company.

1792. Dec. 10. Present: A. H., Genl Knox, E. R. & Th J. at the President's.

It was agreed to reject meeting the Indians at the proposed treaty, rather than to admit a *mediation*

[1] A pamphlet written in 1776 to oppose American Independence. It was certainly not written by Hamilton. *Cf. Pa. Mag. of History and Biography*, xii., 421.

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by Gr. Br. but to admit the presence of Govr. Simcoe,[1] not as a *party* if that was insisted on, & that I should make a verbal communication to Mr. Hammond, in substance, as on the back hereof, which I previously read to the President.

Dec. 12. I made the communication to Mr. Hammond. He said the attendance of Govr. Simcoe was a circumstance only mentioned by him, but not desired; that he would decline it without difficulty, declared it to be their most ardent wish that peace should take place, for their fur trade was entirely interrupted; & he urged as decisive proofs of the sincerity of their wish, 1. that they had kept the late Indian council together 6 weeks at a very great expense, waiting for the 6 Nations. 2. that the Indians at that council were so perfectly satisfied of their desire that they should make peace, that they had not so much as mentioned in council the applying to the British for any supplies. I immediately communicated this to the President.

Heads of conversation with Mr. Hammond. [Dec. 12, 1792.]

That I communicated to the President his information of the consent of the Western Indians to hold conferences of peace with us, in the presence of Govr Simcoe.

Took care to apprize him of the informality of the conversn—yt it was accidl—private;—the present

[1] John Graves Simcoe, Governor of Upper Canada.

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to be considered equally so:—unnecessary to note to him that nothing like a *Mediation* was suggested.

1. Because so informal a conversn cd not include so formal a thing as a Mediation.

2. Bec. an establd principle of public law among the white nations of America, that while the Indians included within their limits retain all other natl rights, no other white nation can become their patrons, protectors or mediators, nor in any shape intermeddle between them & those within whose limits they are.

That Gr. Br. wd not propose an example wch wd authorize us to cross our boundary, & take under our protection the Indians within her limits.

3. Because should the treaty prove ineffectual, it wd singularly commit the friendship of the two nations.

That the idea of Govr Simcoe's attendance was presented only as a thing desird by the Indians: that the consequences of this had been considd.

It is not necessary in order to effect a peace.

Our views so just so moderate that we have no fear of effecting peace if left to ourselves. If it cannt be effected, it is much better that nobody on the part of Engld shd hve ben present;—for however our govmt is persuaded of the sincerity of yr assurances yt y' hve not excited the Indians, yet our citizens in general are not so.

It will be impossible to persuade them the negocns were not defeatd by Brit. agents: that therefore tho' we do not pretend to make the exclus of Govr Simcoe a *sine quâ non*, provided he be there as a spectator, not as a *party*

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Yet we shd consider his declining to attend either by himself or any other person, as an instance of their frdshp & as an evidence of it particularly calculated to make due impression on the minds of our citizens.

That the place (Aux Glaise) fixed on by the Indians is extremely inconvent to us, because of the distance and difficulty of transportg provns there.

300,000 rations will probably be requisite if 3000 Indians attend.

That if we had time we would have proposed some other place, *e. g.* the Maumee towns; but there not being time, we shall do our best to make provn. 1. We shall collect & carry as much as possible through the Miami channel. 2. We shall hope for their permission to have purchases made in upper Canada, & brought along the lake.

1792. Dec. 13. The President called on me to see the model & drawings of some mills for sawing stone. After shewing them he in the course of subsequent conversation asked me if there were not some good manufactories of porcelain in Germany, that he was in want of table china & had been speaking to Mr. Shaw who was going to the East Indies to bring him a set, but he found that it would not come till *he should be no longer in a situation to want it.* He took occasion a second time to observe that Shaw said it would be 2. years at least before he could have the china here, before which time he said he should be where he should not need it. I think he asked the question about the manufactories in Germany merely

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to have an indirect opportunity of telling me he meant to retire, and within the limits of two years.

Dec. 17. Hammond says the person is here to whom the 6 Nations delivered the invtn for Simcoe to attend, who says they insisted on it & would consider his non-attendance as an evidence that he does not wish for peace. But he says that Simcoe has not the least idea of attending—that this gentleman says he may procure in Upper Canada any quantity of provns which the people will sett up express during winter, & that he will return & carry our request whenever we are ready.

Dec. 17. The affair of Reynolds[1] & his wife.—Clingham Muhlenb's clerk. testifies F. A. Muhl. Monroe Venable.—also Wolcott at Wadsworth.—known to J[ames] M[onroe] E. R[andolph] Beckley & Webr.

Thursday Dec. 27. 92. I waited on the President on some current business. After this was over, he observed to me he thought it was time to endeavor to effect a stricter connection with France, and that G. Morris should be written to on this subject. He went into the circumstances of dissatisfaction between Spain Gr. Brit. & us, & observed there was no nation on whom we could rely at all times but France, and that if we did not prepare in time some support in the event of rupture with Spain & England we might be charged with a criminal negligence.

[1] This relates to the charges against Hamilton, to which he replied in his *Observations on Certain Documents*.

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[I was much pleased with the tone of these observations. It was the very doctrine which had been my polar star, and I did not need the successes of the Republican arms in France lately announced to us, to bring me to these sentiments. For it is to be noted that on Saturday last (the 22d) I received Mr. Short's letters of Oct. 9. & 12. with the Leyden gazettes to Oct. 13. giving us the first news of the retreat of the D. of Brunswic, and the capture of Spires & Worms by Custine, and that of Nice by Anselme.] I therefore expressed to the President my cordial approbation of these ideas: told him I had meant on that day (as an opportunity of writing by the British packet would occur immediately) to take his orders for removing the suspension of paiments to France which had been imposed by my last lre to G. Morris, but was meant as I supposed only for the interval between the abolition of the late constn by the dethronement of the king and the meeting of some other body; invested by the will of the nation with powers to transact their affairs; that I considered the national convention then assembled as such a body, and that therefore we ought to go on with the paiments to them or to any government they should establish. That however I had learned last night that some clause in the bill for providing reimbursement of the loan made by the bank to the U. S. had given rise to a question before the house of representatives yesterday which might affect these paiments; a clause in that bill proposing that the money formerly borrowed in Amstdm to pay the French debt & appropriated by law (1790. August 4. c. 34.

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s. 2.) to that purpose, lying dead as was suggested, should be taken to pay the bank, and the Presidt. be authorized to borrow 2. millions of dol. more out of which it should be replaced, and if this should be done the removal of our suspension of paiment as I had been about to propose, would be premature. He expressed his disapprobation of the clause above mentioned, thought it highly improper in the legislature to change an appropriation once made, and added that no one could tell in what that would end. I concurred, but observed that on a division of the house the ayes for striking out the clause were 27. the noes 26 whereon the Speaker gave his vote against striking out, which dividing the house; the clause for the disappropriation remained of course. I mentd suspicions that the whole of this was a trick to serve the bank under a great existing embarrassment. That the debt to the bank was to be repd by instalments, that the 1st. instalment was of 200,000 D. only, or rather 160,000 D. (because 40,000 of the 200,000 d. would be the U. States' own dividend of the instalment). Yet here were 2,000,000 to be paid them at once, & to be taken from a purpose of gratitude & honor to which it had been appropriated.

Dec. 30. 92. I took the occasion furnished by Pinckney's letter of Sep. 19. asking instrns how to conduct himself (as to the French revolution), to lay down the Catholic principal of republicanism, to wit- that every people may establish what form of government they please, and change it as they please. The will of the nation being the only thing essential.

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I was induced to do this in order to extract the President's opn on the question which divided Hamilton & myself in the conversn of Nov. 92 and the previous one or the first week of Nov. on the suspension of paimts to France. and if favorable to mine, to place the principles of record in the letter books of my office. I therefore wrote the letter of Dec. 30. to Pinckney & sent it to the President, & he returned me his approbation in writing in his note of the same date. Which see.

Feb. 7. 1793. I waited on the President with letters & papers from Lisbon. After going through these I told him that I had for some time suspended speaking with him on the subject of my going out of office because I had understood that the bill for intercourse with foreign nations was likely to be rejected by the Senate in which case the remaining business of the department would be too inconsiderable to make it worth while to keep it up. But that the bill being now passed I was freed from the considerations of propriety which had embarrassed me. That &c. (nearly in the words of a letter to Mr. T. M. Randolph of a few days ago)[1] and that I should be willing, if he had taken no arrangemts. to the contrary to continue somewhat longer, how long I could not say, perhaps till summer, perhaps autumn. He said so far from takeng arrangements on the subject, he had never mentioned to any mortal the design of retiring which I had expressed to him, till yesterday having heard that I had given up my house & that it was rented by another, thereupon he mentd. it to Mr. E.

[1] Jan. 7, 1793.

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Randolph & asked him, as he knew my retirement had been talked of, whether he had heard any persons suggested in conversations to succeed me. He expressed his satisfn at my change of purpose, & his apprehensions that my retirement would be a new source of uneasiness to the public. He said Govr. Lee had that day informed of the genl. discontent prevailing in Virga of which he never had had any conception, much less sound informn: That it appeared to him very alarming. He proceeded to express his earnest wish that Hamilton & myself could coalesce in the measures of the govmt, and urged here the general reasons for it which he had done to me on two former conversns. He said he had proposed the same thing to Ham. who expresd his readiness, and he thought our coalition would secure the general acquiescence of the public. I told him my concurrence was of much less importce than he seemed to imagine; that I kept myself aloof from all cabal & correspondence on the subject of the govmt & saw & spoke with as few as I could. That as to a coalition with Mr. Hamilton, if by that was meant that either was to sacrifice his general system to the other, it was impossible. We had both no doubt formed our conclusions after the most mature consideration and principles conscientiously adopted could not be given up on either side. My wish was to see both houses of Congr. cleansed of all persons interested in the bank or public stocks; & that a pure legislature being given us, I should always be ready to acquiesce under their determns even if contrary to my own opns, for that I subscribe to the principle that the will of the

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majority honestly expressed should give law. I confirmed him in the fact of the great discontents to the South, that they were grounded on seeing that their judgmts & interests were sacrificed to those of the Eastern states on every occn. & their belief that it was the effect of a corrupt squadron of voters in Congress at the command of the Treasury, & they see that if the votes of those members who had an interest distinct from & contrary to the general interest of their constts had been withdrawn, as in decency & honesty they should have been, the laws would have been the reverse of what they are in all the great questions. I instanced the new assumption carried in the H. of Repr. by the Speaker's votes. On this subject he made no reply. He explained his remaing. in office to have been the effect of strong solicitations after he returned here declaring that he had never mentd. his purpose of going out but to the heads of depnts & Mr. Madison; he expressed the extreme wretchedness of his existence while in office, and went lengthily into the late attacks on him for levees &c—and explained to me how he had been led into them by the persons he consulted at New York, and that if he could but know what the sense of the public was, he would most cheerfully conform to it.

Feb. 16. 93. E. R. tells J. Mad. & myself a curious fact which he had from Lear. When the Presidt went to N. Y. he resisted for 3 weeks the efforts to introduce *levees*.[1] At length he yielded, & left it to

[1] Washington arrived in New York on April 23d, and immediately after his inauguration, April 30th, announced that he should receive

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Humphreys and some others to settle the forms. Accdly an anti-chamber & presence room were provided, & when those who were to pay their court were assembled, the President set out, preceded by Humphreys, after passing thro' the anti-chamber the door of the inner room was thrown in & Humphreys entered first calling out with a loud voice, "the President of the U. S." The President was so much disconcerted with it that he did not recover it the whole time of the levee, and when the company was gone he said to Humphreys "Well, you have taken me in once, but by God you shall never take me in a second time."

There is reason to believe that the rejection of the late additional assumption by the Senate was effected by the President thro' Lear, operating on Langdon. Beckley knows this.

Feb. 20. 1793. Colo. W. S. Smith called on me to communicate intelligence from France. He had left Paris Nov. 9. He says the French Ministers are entirely broken with Gouvr. Morris, shut their doors to him & will never receive another communication from him. They wished Smith to be the bearer of a message from the Presidt. to this effect, but he declined & they said in that case they would press it thro' their own minister here. He says they are sending Genet here with full powers to give us all the privileges we can desire in their countries, & particularly in the W. Indies, that they even contemplate

the public on Tuesdays and Fridays, between two and three. The first of these levees was held on May 5th.

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to set them free the next summer: that they propose to emancipate S. America, and will send 45. ships of the line there next spring, & Miranda at the head of the expedn: that they desire our debt to be paid them in provns, and have authorized him to negotiate this. In confirmn of this he delivers a letter to the Presidt. from Lebrun min. for forn. affrs, in which Lebrun says that Colo. Smith will communicate plans worthy of his (the Pr's) great mind, & he shall be happy to receive his opn as to the means the most suitable to effect it.

I had 5. or 6. days ago received from Ternant extracts from the lres of his ministers, complaing of both G. Morris & Mr. Short. I sent them this day to the Presidt. with an extract from a private lre of Mr. Short, justifying himself, & I called this eveng on the Presidt. He said he considd. the extracts from Ternant as very serious, in short as decisive: that he saw that G. Morris cd. be no longer contind there consistent with the public good, that the moment was critical in our favor & ot not to be lost: that he was extremely at a loss what arrangement to make. I asked him whether G. Morris & Pinckney mt. not change places. He sd that wd. be a sort of remedy, but not a radical one. That if the French ministry conceived G. M. to be hostile to them, if they hd. bn. jealous merely on his proposing to visit London, they wd. nevr. be satisfd. with us at placing him at London permanently. He then observed that tho' I had unfixed the day on which I had intendd. to resign, yet I appeared fixed in doing it at no great distance of time: that in this case, he cd.

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not but wish that I wd. go to Paris, that the moment was important, I possessed the confidence of both sides & might do great good; that he wished I could do it were it only to stay there a year or two. I told him that my mind was so bent on retirement that I could not think of launching forth again in a new business, that I could never again cross the Atlantic; and that as to the opportunity of doing good, this was likely to be the scene of action, as Genet was bringing powers to do the business here, but that I could not think of going abroad. He replied that I had pressed him to continue in the public service & refused to do the same myself. I said the case was very different; he united the confidce. of all America, and was the only person who did so: his services therefore were of the last importance; but for myself my going out would not be noted or known, a thousand others could supply my place to equal advantage therefore I felt myself free: and that as to the mission to France I thought Pinckney perfectly proper. He desired me then to consider maturely what arrangemt shd. be made.

Smith in speaking of Morris said that at his own table in presence of his company & servts. he cursed the French ministers as a set of damned rascals; said the king wd. still be replaced on his throne. He said he knew they had written to have him recalled, & expected to be recalled. He consulted Smith to know whether he cd. bring his furniture here duty free. Smith has mentd. the situatn of G. Morris freely to others here.

Smith said also that the ministers told him they

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meant to begin their attack at the mouth of the Missi, and to sweep along the bay of Mexico Southwardly, and that they would have no objns to our incorporating into our govmt the two Floridas.

Feb. 26. 1793. Notes on the proceedings of yesterday. [See the formal opinions given to the President in writing & signed [1]]

1st. Qu. We were all of opinion that the treaty shd. proceed merely to gratify the public opinion, & not from any expectation of success. I expressed myself strongly that the event was so unpromising that I thought the preparations for a campaign should go on without the least relaxation, and that a day should be fixed with the Commrs. for the treaty beyond which they should not permit the treaty to be protracted, by which day orders shd. be given for our forces to enter into action. The President took up the thing instantly after I had said this, and declared he was so much in the opn that the treaty would end in nothing that he then in the presence of us all gave orders to Genl. Knox not to slacken the preparations for the campaign in the least but to exert every nerve in preparing for it. Knox said something about the ultimate day for continuing the negotias. I acknoleged myself not a judge on what day the campaign should begin, but that whatever it was, that day should determine the treaty. Knox said he thought a winter campaign was always the most efficacious against the Indians. I was of opn since Gr. Britain insisted on furnishing provns, that

[1] In relation to the treaty with the northwest Indians.

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we should offer to repay. Hamilton thot we should not.

2d. Qu. I considered our right of preemption of the Indian lands, not as amounting to any dominion, or jurisdn, or paramountship whatever, but merely in the nature of a remainder after the extingmt of a present right, which gave us no present right whatever but of preventing other nations from taking possession and so defeating our expectancy: that the Indians had the full, undivided & independant sovereignty as long as they chose to keep it & that this might be forever: that as fast as we extended our rights by purchase from them, so fast we extended the limits of our society, & as soon as a new portion became encircled within our line, it became a fixt limit of our society: that the Executive with either or both branches of the legislature could not alien any part of our territory: that by the L. of nations it was settled that the Unity & indivisibility of the society was so fundamental that it could not be dismembered by the Constituted authorities, except 1. where *all power* was delegated to them (as in the case of despotic govmts) or 2. where it was expressly delegated. That neither of these delegations had been made to our general govmt & therefore that it had no right to dismember or alienate any portion of territory once ultimately consolidated with us: and that we could no more cede to the Indians than to the English or Spaniards, as it might according to acknolegd. principles remain as irrevocably and eternally with the one as the other. But I thought that as we had a right to sell & settle lands once

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comprehended within our lines, so we might forbear to exercise that right, retaining the property, till circumstances should be more favorable to the settlement, and this I agreed to do in the present instance if necessary for peace.

Hamilton agreed the doctrine of the law of nations as laid down in Europe, but that it was founded on the universality of settlement there, conseqly. that no lopping off of territory cd. be made without a lopping off of citizens, which required their consent: but that the law of nations for us must be adapted to the circumstance of our unsettled country, which he conceived the Presidt & Senate may cede: that the power of treaty was given to them by the constn, without restraining it to particular objects, conseqly. that it was given in as plenipotentiary a form as held by any sovereign in any other society.—E. R. was of opn there was a difference between a cession to Indns. & to any others, because it only restored the ceded part to the condn in which it was before we bought it, and consequently that we might buy it again hereafter. Therefore he thought the Exec. & Senate could cede it. Knox joined in the main opn. The Presidt. discovd no opn, but he made some efforts to get us to join in some terms which could unite us all, and he seemed to direct those efforts more towards me: but the thing could not be done.

3d. Qu. We agreed in idea as to the line to be drawn, to wit so as to retain all lands appropriated, or granted or reserved.

4th. Qu. We all thought if the Senate should be

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consulted & consequently apprized of our line, it would become known to Hammond, & we should lose all chance of saving anything more at the treaty than our Ultimatum.

Qu. whether we should furnish the 3. millns. of livres desired by France to procure provns? I was of opn we ot to do it, the one part as an arrearage (abt. 318,000) the residue as an advance towards our payments to be made in Paris in Sep. & Nov. next. E. R. was for furnishing the whole sum asked but under such blind terms, that if the present French government should be destroyed & the former one reestablished, it might not be imputed to us as a proof of our taking part with the present, but might be excused under a pretext that we thought we might owe it. Knox of the same opn.

Hamilton saw the combinn of powers agt. France so strong, as to render the issue very doubtful. He therefore was agt. going beyond the 318,000. D. understood to be in arrear.

The Presidt at this meeting mentd the declaration of some person in a paper of Fenno [1] that he would commence an attack on the character of Dr. Franklin; he said the theme was to him excessively disagreeable on other considerations, but most particularly so as the party seemed to do it as a means of defending him (the Presidt) agt the late attacks on him, that such a mode of defence would be peculiarly painful to him, & he wished it could be stopped. Hamilton & E. R. undertook to speak to Fenno to suppress it, without mentiong. it as the President's

[1] *Gazette of the United States*, Feb. 23, 1793.

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wish. Both observed that they had heard this declarn mentd. in many companies & that it had excited universal horror & detestation.

The paper in Fenno must lie between two persons, viz, Adams & Izard, because they are the only persons who could know such facts as are there promised to be unfolded. Adams is an enemy to both characters, and might chuse this ground as an effectual position to injure both. Izard hated Franklin with unparalleled bitterness but humbly adores the Presidt. because he is in loco regis. If the paper proceeds, we shall easily discover which of these two gentlemen is the champion. In the meantime the first paper leads our suspicions more towards Izard than Adams from the circumstance of stile, and because he is quite booby enough not to see the injury he would do to the President by such a mode of defence.

Feb. 28. Knox, E. R. and myself met at Knox's where Hamilton was also to have met, to consider the time manner & place of the President's swearing in.[1] Hamilton had been there before & had left his opn with Knox, to wit, that the Presid. shd ask a judge to attend him in his own house to administer the oath, in the presence of the heads of deptmts, which oath should be deposited in the Secy. of state's office. I concurred in this opn. E. R. was for the President's going to the Senate chamber to take the oath, attended by the Marshal of the U. S., who

[1] This refers to the ceremony and oath for Washington's second term. The official opinions are printed in Hamilton's *Works of Alexander Hamilton*, iv., 442.

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should then make proclmn &c. Knox was for this and for adding the house of Repr. to the presence, as they would not yet be departed. Our individl. opns were written to be communicated to the Presidt. out of which he might form one. In the course of our conversn Knox stickling for parade, got into great warmth and swore that our govmt must either be entirely new modeled or it would be knocked to pieces in less than 10 years, and that as it is at present he would not give a copper for it, that it is the President's character, & not the written constn which keeps it together.

Same day. Conversn with Lear. He expressed the strongest confidence that republicanism was the universal creed of America, except of a very few; that republican adminn. must of necessity immediately overbear the contrary faction, said that he had seen with extreme regret that a number of gentlemen had for a long time been endeavoring to instil into the President that the noise agt. the admn of the govmt was that of a little faction, which wd soon be silent & which was detested by the people, who were contented & prosperous: that this very party however began to see their error and that the sense of America was bursting forth to their conviction.

Mar. 2. 1793. See in the papers of this date, Mr. Giles's resolutions.[1] He & one or two others were sanguine enough to believe that the palpableness of

[1] The resolutions, moved in the House of Representatives on February 28th, against Hamilton. They were negatived by a majority ranging between 40 to 33, to a minority varying from 15 to 7. *Cf.* note on Jefferson's draft of these resolutions, *post*, under Mar. 2, 1793.

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these resolns rendered it impossible the house could reject them. Those who knew the composition of the house 1. of bank directors 2. holders of bank stock 3. stock-jobbers. 4. blind devotees, 5. ignorant persons who did not comprehend them 6. lazy & good-humored persons, who comprehended & acknoleged them, yet were too lazy to examine, or unwilling to pronounce censure. The persons who knew these characters foresaw that the 3. first descriptions making ⅓ of the house, the 3. latter would make ½ of the residue, and of course that they would be rejected by a majority of 2. to 1. But they thought that even this rejection would do good, by shewing the public the desperate & abandoned dispositions with which their affairs were entrusted. The resolns were proposed, and nothing spared to present them in the fulness of demonstration. There were not more than 3. or 4. who voted otherwise than had been expected.

It is known that [William Vans] Murray of Maryld deals in paper.

Mar. 23. 1793. The following list of paper-men is communicated to me by Mr. Beckley.[1]

[Nathaniel] * Gilman. S.[tock] H.[older] in U. S. Bank.

[Elbridge] † * Gerry. S.H.

[Theodore] Sedgewick.

[Fisher] * Ames. S.H.

[1] Mar. 25. Beckley says he has this day discovered that Benson is a stockholder. Also Borne of R. I. and Key. *T. J.*

* These are known to Beckley. *T. J.*

† These avowed it in the presence of Th. J. *T. J.*

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[Benjamin] * Goodhue. S.H.
[Benjamin] Bourne of R.I. suspected only.
[Jonathan] * Trumbul. S.H.
[Jeremiah] * Wadsworth. S.H.
[James] * Hillhouse. S.H.
[Amasa] Learned. S.H.
[John] Laurence S.H. & Director.
[James] Gordon.
[Elias] † Boudinot. S.H.
[Jonathan] * Dayton S.H.
[Thomas] * Fitsimmons S.H. & Director.
D[aniel] * Heister S.H.
[Samuel] Sterret
[William Vans] Murray S.H.
[Hugh] † * Williamson S.H.
[William L.] Smith S.H. & Director for himself & his proxies his vote is near ⅛ of the whole
[George] * Cabot. S.H. & Director
[Roger] * Sherman. S.H.

		H-REPR	SENATE
[Oliver] Elsworth. qu	Stockholders		
[Rufus] *King S.H. & Director.	Other paper	16	5
[Philemon] Dickinson		3	2
[Robert]*Morris S.H.			
[Samuel] * Johnson		19 –	7 –
[Ralph] *Izard S.H.	Suspected	2 –	4 –

Mar. 30. 93. At our meeting at the Presid's Feb. 25. in discussing the question whether we should furnish to France the 3.000.000 desired, Hamilton in speaking on the subject used this expression "when

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Mr. Genet arrives, whether we shall receive him or not, will then be a question for discussion," [1] which expression I did not recollect till E. R. reminded me of it a few days after. Therefore on the 20th. inst. as the Prest was shortly to set out for M. Vernon, I observed to him that as Genest might arrive in his absence, I wishd. to know beforehand how I should treat him, whether as a person who wd. or wd. not be receivd? He said he could see no ground of doubt but that he ought to be received. On the 24th he asked E. R.'s opn on the subject; saying he had consulted Colo. Hamilton thereon who went into lengthy considns of doubt and difficulty, and viewing it as a very unfortunate thing that the Presidt shd have the decisn. of so critical a point forced on him; but in conclusion said, since he was brot into that situan he did not see but that he must receive Mr. Genest. E. R. told the Presidt. he was clear he shd. be recd & the Presidt said he hd never hd any doubt on the subject in his mind.—Afterwards on the same day he spoke to me again on it, and said Mr. Genest should unquestionably be received, but he thought not with too much warmth or cordiality, so only as to to be satisfactory to him.[2] I wondered at first at

[1] "It is likely that if I had landed directly at Philadelphia, I would not have been at once recognised. Everything was in readiness to crush the first outbreak of enthusiasm on the part of the Americans . . . but my journey in the Southern States has made these designs abortive."—*Genet to Minister of Foreign Affairs*, June 19, 1793.

[2] "The friend, the councillor of Lafayette, responded to my open and loyal advances only in a diplomatic language which contained nothing I thought worthy of being transmitted to you. He spoke to me only of the desire that, according to him, the United States had, of living in peace and good harmony with all the Powers, and particularly with France; and he avoided touching upon anything that could have a

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this restriction; but when E. R. afterwards communicated to me this conversn of the 24th. I became satisfied it was a small sacrifice to the opn of Hamilton.

Mar. 31. Mr. Beckley tells me that the merchants bonds for duties on 6. mo. credit became due the 1st. inst. to a very great amount. That Hamilton went to the bank on that day and directed the bank to discount for those merchts. all their bonds at 30. days, and that he would have the Collectors credited for the money at the Treasury. Hence the Treasury lumping its receipts by the month in it's printed accts. these sums will be considered by the public as only recd. on the last day, conseqly. the bank makes the month's interest out of it. Beckley had this from a mercht. who hd a bond discounted & who supposes a million of dollars were discounted at the bank here. Mr. Brown got the same informn from another mercht. who supposed only 600.000 D discounted here. But they suppose the same orders went to all the branch banks to a great amount.

Eod die. Mr. Brown tells me he has it from a mercht. that during the last winter the Directors of the bank ordd. the freest discounts. Every man could obtain it. Money being so flush, the 6. per cents run up to 21/ & 22/. Then the Directors sold out their private stocks. When the discounted notes were becoming due they stopped discounts, &

relation with either our revolution, or the war we alone wage upon the enemies of the liberty of the people."—*Genet to Minister of Foreign Affairs*, Oct. 7, 1793.

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not a dollar was to be had. This reduced 6. per cents to 1813 then the same directors bought in again.

Apr. 7. 93. Mr. Lear called on me & introduced of himself a conversation of the affairs of the U. S. He laughed at the cry of prosperity & the deriving it from the establmt of the treasury: he said that so far from giving into this opn & that we were payg off our national debt he was clear the debt was growing on us: that he had lately expressed this opn to the Presidt who appeared much astonished at it. I told him I had given the same hint to the P. last summer, & lately again had suggested that we were even depending for the daily subsistence of govmt on borrowed money: he said that was certain, & was the only way of accounting for what was become of the money drawn over from Holland to this country.— He regretted that the Pr. was not in the way of hearing full informn, declared he communicated to him everything he could learn himself: that the men who vaunted the present govmt so much on some occasions were the very men who at other times declared it was a poor thing, & such a one as could not stand, & he was sensible they only esteemed it as a stepping stone to something else, and had availed themselves of the first moments of the enthusiasm in favor of it, to pervert it's principles & make of it what they wanted: & that tho' they raised the cry of Antifederalism against those who censured the mode of admn, yet he was satisfd whenever it should come to be tried that the very men whom they called Anti-

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federalists were the men who would save the govmt, & he looked to the next Congress for much rectification.

Eod die. Mr. Beckley tells me that a gentleman, heartily a fiscalist, called on him yesterday, told him he had been to N. York. & into the Prison with Duer,[1] with whome he hd. mch. conversn. that Pintard Duer's agent has about 100,000 D. worth of property in his hands & bids defiance: that this embarrasses Duer much, who declares that if *certain Persons* do not relieve him shortly, he will unfold such a scene of villainy as will astonish the world.

Apr 18. The President sends a set of Questions to be considered[2] & calls a meeting. Tho' those sent me were in his own hand writing, yet it was palpable from the style, their ingenious tissu & suite that they were not the President's, that they were raised upon a prepared chain of argument, in short that the language was Hamilton's, and the doubts his alone. They led to a declaration of the Executive that our treaty with France is void. E. R. the next day told me, that the day before the date of these questions, Hamilton went with him thro' the whole chain of reasoning of which these questions are the skeleton, & that he recognized them the moment he saw them.

We met. The 1st. question whether we should receive the French minister Genest was proposed, & we agreed unanimously that he should be received,

[1] William Duer, who had failed for a large amount, lost by speculation and was now in jail.

[2] Printed in Ford's *Writings of Washington*, xii., 280, and Hamilton's *Works of Hamilton*, iv., 359, with the Cabinet opinion on the same.

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Hamilton at the same time expressing his great regret that any incident had happd. which should oblige us to recognize the govmt. The next question was whether he shd. be received absolutely, or with qualificns. Here H. took up the whole subject, and went through it in the order in which the questions sketch it. See the chain of his reasoning in my opn of Apr 28. Knox subscribed at once to H's opn that we ought to declare the treaty void,[1] acknoleging at the same time, like a fool that he is, that he knew nothing about it. I was clear it remained valid. E. R. declared himself of the same opn. but on H.'s undertaking to present to him the authority in Vattel (which we had not present) and to prove to him that, if the authority was admitted, the treaty might be declared void, E. R. agreed to take further time to consider. It was adjourned. We determd Unanimly the last qu. that Congress shd nt be called. There havg been an intimation by E. R. that in so great a question he shd chuse to give a written opn, & this being approvd by the Pres. I gave in mine Apr 28. H. gave in his. I believe Knox's was never thought worth offering or asking for. E. R. gave his May 6. concurring with mine. The Presidt. told me the same day he had never had a doubt about the validity of the treaty: but that since a question had been suggested he thought it ot to be considered:

[1] Though the question whether this treaty was not terminated by the French Revolution was discussed in the Cabinet, it was unanimously agreed that it was still in force. Jefferson is therefore in error in stating that Hamilton declared it void, as all he argued for was whether it "ought not to be deemed temporarily and provisionally suspended." *Cf.* Hamilton's *Works of Hamilton*, iv., 362, 282.

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that this being done, I might now issue Passports to sea vessels in the form prescribed by the French treaty. I had for a week past only issd. the Dutch form; to have issd. the French wd have been presupposing the treaty to be in existence. The Presidt. suggested that he thot it wd be as well that nothing should be sd of such a question havg been under considn.

May 6 written.

1793. May 6. The President shews me a draught of a lre from Colo. H.[1] to the Collectors of the customs, desirg them to superintend their neighborhood, watch for all acts of our citizens contrary to laws of neutrality or tending to infringe those laws, & inform him of it; & particularly to see if vessels should be building pierced for guns. I told the Pr. that at a conference a few days before Colo. H. & E. R. had concurred in opn agt. me that for us to build and sell vessels fit for war would be a breach of neutrality, but that I understood them as agreeing that no opn should go from the public on that question as not being now necessary: that as to the 1st part of the letter I did not of a sudden decide it to be improper. —he, on this, returned the [draught?] to Ham. with a desire that he, E. R. & myself would confer on it.

May 7. We met as trustees of the sinkg. fund. For the opn I delivered see my note of May 8. to E. R. & for his see his answer of May 9.—On the

[1] This was Hamilton's Letter of Instructions to Collectors, which was considerably modified before it was issued, Aug. 4, 1793. *Cf.* Hamilton's *Works of Hamilton*, iii., 574; iv., 392, 394.

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business of the sinkg. fund, we had meant to have come to a resoln to ask of the Pres. if there was any money under the loans at our disposal, the occasion of laying it out being favble. But H. produced. a lre just recd. from our bankers informg. him of the impossibility of effecting the new loan which had been ordered (and of which I had not heard before) on this I declared it is my opn that if the money on hand was not sfft to pay our next instllmt to France & also to purchase public debt, (of which I could not be a judge, only knowg. that our next instllmt. wd. be of bettween 6 & 700,000 D. & was approachg.) I should be against failing in the paymt. which was a positive engagemt. whereas the purchase of public debt was voluntary. So nothing was done.

When the question was whether the proclmn of Apr. 22.[1] should be issued, E. R. observed that there should be a letter written by me to the ministers of the belligerent powers to declare that it should not be taken as conclusive evidence against our citizens in foreign courts of admiralty for contraband goods.— Knox suddenly adopted the opn before Hamilton delivered his. Hamilton opposed it pretty strongly. I thought it an indifferent thing but rather approved E. R.'s opn. The President was against it; but observed that *as there were three for it, it should go.* This was the first instance I had seen of an opportunity to decide by a mere majority including his own vote.

May. 12. Lear called on me to-day. Speaking

[1] The proclamation of neutrality.

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of the lowness of stocks, (16/) I observed it was a pity we had not money to buy on publick acct. He said yes, & that it was the more provoking as 2 millions hd been borrowed for that purpose & drawn over here, & yet were not here. That he had no doubt those would take notice of the circumstance whose duty it was to do so.—I suppose he must mean the President.

May 20. 93.—*Qu:* Shall the Privateer fitted out at Charleston & her prizes be ordered out of the ports of the U. S.? [1]

I. As Punishment.

Explain circumstance wch. drove Genet into the Southern passage induced him to land at Charleston.

Fr. citizens sollicitg commn. to Arm.—Governr. winkg. at it. Words of XXII. art.[2] *shall not* be lawful for enemies of Fr. fit out privateers. Implication yt *shll* be lawful for French.

So understood universally, by every one here—by ourselves at Charleston—by Genet. Still true it is not expressly permitted—may be forbidden. But till forbidden must be slight offence. The Prohibition to be future not Retrospective.

II. Right.

What Right to order away?

XVII makes lawful to enter with prizes and stay.

In whom is the Right to these privateers & prizes?

Fr. citizens retain fidelity in forn. country have

[1] Immediately on Genet's landing at Charleston, he began to commission privateers, which captured English ships and brought them into American ports.

[2] A reference to the French treaty.

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right to return to defence of country by sea or land, may confer on that, associate, contribute money, may buy vessel with own money—man her themselves on codn commt no hostils. *within limts.* of U. S. as soon as out of limits themselves & vessel free as any other.

Fr. citizens *ante-residents*, on same footing as *new visitants*.

When take a vessel at sea, property, transferrd. by laws of war. This point understood at former conference. for if not transferrd. should be given up. If right transferrd. then XVIIth article authorises entry no half-way act justifiable.

Obj. it is Punishmt for the offence.

Ans. No offence till forbidden.—Looks only to future.

III. Policy of this Touchiness.

Minister newly arrived.

First from the Republic.

Popularity of French nation & cause.

Proposals he brings.

No call of Guarantee

Free trade to islands to France } by treaty

Shall such a mission to recd. with reprimand?

& for whom. For England?

For confederated princes?

Our reward the Cyclops' boon to Ulysses. last devoured Od. i. 369.

Are we playing y' part England plaid? force France to attack us?

Yt we may take side with the confederatg. princes?

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The party wishing that is very small.

H. & K. were of opn for giving up the prize, but if that could not be, then to order away the privateer & prize; and if that cd. not be, then to order away the privateer.

T. J. of opn that neither could be given up or ordd. away.

E. R. for ordering away the privateer & nothing more.

The President confirmed the last opinion & it seemed to be his own.[1]

1793. May 23. I had sent to the President yesterday draughts of a letter from him to the Provisory Exec. council of France, and of one from myself to Mr. Ternant, both on the occasion of his recall. I called on him to-day. He said there was a word in one of them which he had never before seen in any of our public communications, to wit "our republic." The letter prepared for him to the Council begun thus "the citizen Ternant has delivered to me the letter wherein you inform me that, yielding &c. you had determined to recall him from his mission as your min. plen. to *our republic*." He had underscored the words *our republic*. He said that certainly ours was a republican government, but yet we had not used that stile in this way; that if any body wanted to change its form into a monarchy he was sure it

[1] "It is Mr. Jefferson, who has signed these complaints, but as he himself avows to me, we should consider him in this transaction only as the passive instrument of the President."—*Genet to Minister of Foreign Affairs*, Oct. 7, 1793.

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was only a few individuals, & that no man in the U. S. would set his face against it more than himself; but that this was not what he was afraid of; his fears were from another quarter, that there was more danger of anarchy being introduced. He adverted to a piece in Freneau's paper of yesterday, he said he despised all their attacks on him personally, but that there never had been an act of the government, not meaning in the Executive line only, but in any line which that paper had not abused. He had also marked the word republic thus √ where it was applied to the French republic. (See the original paper) He was evidently sore & warm, and I took his intention to be that I should interpose in some way with Freneau, perhaps withdraw his appointment of translating clerk to my office. But I will not do it. His paper has saved our constitution which was galloping fast into monarchy, & has been checked by no one means so powerfully as by that paper. It is well & universally known that it has been that paper which has checked the career of the Monocrats, & the President, not sensible of the designs of the party, has not with his usual good sense, and sang froid, looked on the efforts and effects of this free press, & seen that tho' some bad things had passed thro' it to the public, yet the good have preponderated immensely.

June 7. 93. Mr. Beckley, who is returned from N. York within a few days, tells me that while he was there S. John Temple, Consul Genl. of the Northern states for Gr. Br. shewed him a letter from Sr.

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Gregory Page Turner [1] a member of parliament for a borough in Yorkshire, who he said had been a member for 25 years, and always confidential for the ministers, in which he permitted him to read particular passages of the following purport "that the government were well apprized of the predominancy of the British interest in the U S. that they considered Col. Hamilton, Mr. King & Mr. W. Smith of S. Carolina as the main supports of that interest, that particularly they considered Colo. Hamilton & not Mr. Hammond as their effective minister here, that if the antifederal interest (that was his term) at the head of which they considered Mr. Jefferson to be, should prevail, these gentlemen *had secured* an asylum to themselves in England." Beckley cd. not understand whether they had secured it *themselves*,[2] or whether they were only notified that it was secured to them. So that they understand that they may go on boldly, in their machinations to change the govmt, and if they should be overset & chuse to withdraw, they will be secure of a pension in England as Arnold, Deane &c had. Sr. John read passages of a letter (which he did not put into Beckley's hand as he did the other) from Ld. Grenville saying nearly the same things. This letter mentions to Sr. John that tho' they had divided the Consul-generalship and given the Southern department to Bond, yet he, Sr. John, was to retain his whole salary. [By this it would seem as if,

[1] M. P. for Thirsk, by which he was first elected in 1784. *Cf. Annual Register*, xlvii., 459.

[2] Impossible as to Hamilton; he was far above that. *T. J.*

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wanting to use Bond, they had covered his employment with this cloak.] Mr. Beckley says that Sr. John Temple is a strong republican.—I had a proof of his intimacy with Sr. John in this circumstance. Sr. John received his new Commission of Consul for the Northern department, and instead of sending it thro' Mr. Hammond, got Beckley to enclose it to me for his Exequatur. I wrote to Sr. John that it must come thro' Mr. Hammond, enclosing it back to him. He accordingly then sent it to Mr. Hammond.

In conversation with the President to-day, and speaking about Genl. Greene, he said that he & Genl. Greene had always differed in opn about the manner of using militia. Greene always placed them in his front: himself was of opn they should always be used as a reserve to improve any advantage, for which purpose they were the *finest fellows* in the world. He said he was on the ground of the battle of Guilford with a person who was in the action & who explained the whole of it to him. That general Greene's front was behind a fence at the edge of a large field, thro' which the enemy were obliged to pass to get at them; & that in their passage thro' this they must have been torn all to peices if troops had been posted there who would have stood their ground; & that the retreat from that position was through a thicket, perfectly secure. Instead of this he posted the N. Caroline militia there, who only gave one fire & fell back, so that the whole benefit of their position was lost. He thinks that the regulars with their field pieces would have hardly let a single man get through that field.

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Eod die (June 7). Beckley tells me that he has the followg fact from Govr. Clinton. That before the proposn. for the present general govmt *i. e.* a little before, Hamilton conceived a plan for establishing a monarchical govmt in the U S. he wrote a draught of a circular letter, which was to be sent to about ——— persons, to bring it about. One of these letters, in Hamilton's handwriting is now in possn. of an old Militia genl. up the North river, who, at that time was thought *orthodox* enough to be entrusted in the execution. This general has given notice to Govr. Clinton that he has this paper, and that he will deliver it into his hands & no one's else. Clinton intends the first interval of leisure to go for it, and he will bring it to Philade. "Beckley is a man of perfect truth as to what he affirms of his own knolege, but too credulous as to what he hears from others." [1]

June 10. 93. Mr. Brown gives me the following specimen of the phrenzy which prevailed at New York on the opening of the new govmt. The first public ball which took place after the President's arrival there, Colo. Humphreys, Colo. W. S. Smith, & Mrs. Knox, were to arrange the ceremonials. These arrangements were as follows. A Sopha at the head of the room raised on several steps whereon the Presidt. & Mrs. Washington were to be seated. The gentlemen were to dance in swords. Each one when going to dance was to lead his partner to the foot of the Sopha, make a low obeisance to the

[1] This is interlined by Jefferson.

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Presidt. & his lady, then go & dance, & when done bring his partner again to the foot of the Sopha for new obeisances & then to retire to their chairs. It was to be understood too that gentlemen should be dressed in bags. Mrs. Knox contrived to come with the President & to follow him & Mrs. Washington to their destination, & she had the design of forcing an invitn from the Presidt. to a seat on the Sopha. She mounted up the steps after them, unbidden, but unfortunately the wicked Sopha was so short, that when the Presidt & Mrs. Washington were seated, there was not room for a 3. person; she was obliged therefore to descend in the face of the company & to sit where she could. In other respects the ceremony was conducted rigorously according to the arrangements, & the President made to pass an evening which his good sense rendered a very miserable one to him.[1]

June 12. Beckley tells me that Klingham[2] has been with him to day & relates to him the following fact. A certificate of the old Congress had been offered at the treasury & refused payment & so indorsed in red ink as usual. This certificate came to the hands of Francis (the quondam clerk of the

[1] The first public ball was on May 4, 1789, or some three weeks before Mrs. Washington joined the President in New York; and far from Washington sitting apart on a dias, he was one of the dancers.

[2] Jacob Clingman, who was concerned in the Hamilton-Reynolds affair. Andrew G. Fraunces made the matter of this certificate public in a pamphlet entitled, *An Appeal to the Legislature of the U. S.*, which occasioned a Congressional investigation, which reported that the charge against Hamilton was "wholly illiberal and groundless." *Cf. Journals* for Feb. 19, 1794, *Bibliotheca Hamiltoniana*, 43, and Hamilton's *Observations on Certain Documents*, p. 7.

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treasury, who on account of his being dipped in the infamous case of the Baron Glaubec, Hamilton had been obliged to dismiss, to save appearances, but with an assurance of all future service, & he accdly got him estabId. in New York) Francis wrote to Hamilton that such a ticket was offered him but he could not buy it unless he would inform him & give him his certificate that it was good. Hamilton wrote him a most friendly letter & sent him the certificate. He bot the paper & came on here, & got it recognized, whereby he made 2500 Dollars. Klingham saw both the letter & certificate.

Irving,[1] a clerk in the treasury, an Irishman, is the author of the pieces now coming out under the signature of Veritas,[2] & attacking the President. I have long suspected this detestable game was playing by the fiscal party, to place the Presidt. on their side.

July 5. 1793. A meeting desired by A. H. at my office. Himself, Knox & myself met accdly. He said that according to what had been agreed on in presence of the President, in conseqce of Mr. Genet's declining to pay the 45,000 D. at his command in

[1] Presumably intended for William Irvine, a clerk in the Controller's Office.

[2] The first number appeared in Freneau's *National Gazette* of June 12, 1793, and was answered in subsequent issues by "A Friend to Peace." Genet was at this time writing to the French Minister of Foreign Affairs: "Jefferson, Secretary of State, appeared to me in the beginning better disposed to second our views. . . . He has published in the newspapers, over the name of *Veritas*, three letters against the system of these gentlemen."

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the treasury to the holders of the St. Domingo bills, we had agreed to pay the holders out of other monies to that amount: that he found however that these bills would amount to 90,000 D. and the question was whether he should assume 90,000 to be paid out of the September instalment. This he said wd. enable holders to get discounts at the banks, would, therefore be equal to ready money, & save them from bankruptcy. Unanimously agreed to.

We also agreed to a lre written by Genl. Knox to Govr. Mifflin to have a particular inquiry made whether the *Little Sarah* [1] is arming &c or not.

I read lre from the Presidt. about the *Swallow* lre of marck at N.York. compld. of by the French Consul. Agreed as the case was new, to let it wait for the Presidt.[2]

I read also Govr. Lee's lre abt the Govr. of S. C.'s proclamn. respectg pestilential disease in W. Indies. We are all of opn the evidence is too slight for interference. & doubt the power to interfere. Therefore let it lie.

Mr. Genet called on me and read to me very rapidly instrns he had prepared for Michaud [3] who is going to Kentucky, an address to the inhab. of Louisiana, & another to those of Canada. In these papers it appears that besides encouraging those inhabitants

[1] A vessel then in the Delaware River, which was re-named *Le Petit Democrat*.

[2] It was decided August 5th that there was no ground for an order in this case.

[3] André Michaux, who was appointed by Genet to organize a force to seize Louisiana for the French, on Spain's declaring war against that nation. He apparently never went further in the attempt. *Cf.* Gayarre's *History of La., Spanish Domination*, 341.

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to insurrection, he speaks of two generals at Kentucky who have proposed to him to go & take N. Orleans if he will furnish the exp. about £3,000 sterl. He declines advancing it, but promises that sum ultimately for their expenses, proposes that officers shall be commissd. by himself in Kentucky & Louisiana, that they shall rendezvous *out of the territories of the U. S.* suppose in Louisiana, & there making up a battalion to be called the——— ——— of inhabitants of Louisiana & Kentucky and getting what Indns. they could, to undertake the expedn against N. Orleans, and then Louisiana to be established into an independant state connected in commerce with France and the U. S. That two frigates shall go into the river Mississippi and cooperate against N. Orleans. The address to Canada, was to encourage them to shake off English yoke, to call Indians to their assistance, and to assure them of the friendly disposns of their neighbors of the U. S.

He said he communicated these things to me, not as Secy. of state, but as Mr. Jeff. I told him that his enticing officers & souldiers from Kentucky to go against Spain, was really putting a halter about their necks, for that they would assuredly be hung, if they commd. hostilities agt. a nation at peace with the U S. That leaving out that article I did not care what insurrections should be excited in Louisiana. He had, about a fortnight ago sent me a commn for Michaud as consul of France at Kentucky, & desired an Exequatur. I told him this could not be given, that it was only in the *ports* of the U S. they were entitled to consuls, & that if France shd have a

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consul at Kentucky Engld and Spain would soon demand the same, & we shd have all our interior country filled with foreign agents. He acquiesced, & asked me to return the commission & his note, which I did. But he desired I would give Michaud a lre of introduction for Govr. Shelby. I sent him one a day or two after. He now observes to me that in that letter I speak of him only as a person of botanical & natural pursuits, but that he wished the Govr. to view him as something more, as a French citizen possessing his confidence. I took back the letter, & wrote another. See both.

July 10, 1793.[1]

The Secretary of the Treasury having communicated to General Knox and myself, that he had been informed that the *Little Sarah* had much augmented her arms, and was greatly advanced in her preparations, we concurred in opinion, that the governor (of Pennsylvania) should be desired to have a re-examination of the fact. It was done, and a report made, that she had entered the port with only four guns, and now had fourteen. The next day, being Sunday the 7th instant, I received a letter from the governor by express, informing me, that he understood she would sail that day. I went instantly to town. He told me he had received the intelligence the night before, and had sent Mr. Dallas at mid-

[1] Jefferson's rough draft of this paper was retained by him in the *Anas*, but as it is abbreviated to an extent that renders it almost unintelligible I have printed it here from the fair copy given to Washington. *Cf.* Jefferson's Cabinet opinion, *post*, under July 8, 1793.

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night to M. Genet. Mr. Dallas told me, that, on his proposing the subject of detaining the vessel, he flew into a great passion, talked extravagantly, and concluded by refusing to order the vessel to stay.

As the governor had sent for General Knox also, I told him I would in the meantime go to M. Genet, and speak with him on the subject. I went. On his coming into the room I told him I had called on the subject of the *Little Sarah;* that our information was, that she was armed contrary to the decision of the President, which had been communicated to him, and that she would sail that day; and I requested that he would detain her till we could inquire into the fact, and lay it before the President, who would be here on Wednesday.

He took up the subject instantly in a very high tone, and went into an immense field of declamation and complaint. I found it necessary to let him go on, and in fact could do no otherwise; for the few efforts, which I made to take some part in the conversation were quiet ineffectual. It is impossible for me to state the particulars of what he said. Such of the general topics as I can now recollect were these. He charged us with having violated the treaties between the two nations, and so went into the cases which had before been subjects of discussion; complained that we suffered our flag to be insulted and disregarded by the English; that they stopped all our vessels, and took out of them whatever they suspected to be French property; that they had taken all the provisions he had embarked in American vessels for the colonies; that if we were not able to

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protect their vessels in our ports, nor their property on the high seas, we ought to permit them to protect it themselves; that they, on the contrary, paid the highest respect to our flag; that, though it was notorious that most of the cargoes sent from America were British property, yet, being in American vessels, or pretended American vessels, they never touched it, and thus had no chance of retaliating on their enemies; that he had been thwarted and opposed in everything he had had to do with the government; that he found himself in so disagreeable a situation, that he sometimes thought of packing up and going away, as he found he could not be useful to his nation in any thing.

He dwelt on the friendly propositions he brought from his nation, on the instructions and dispositions with which he came to do whatever would gratify us; that to such propositions such a return ought not to have been made by the executive, without consulting Congress; and that, on the return of the President, he would certainly press him to convene Congress. He had by this time got into a moderate tone, and I stopped him at the subject of calling Congress, explained our constitution to him, as having divided the functions of government among three different authorities, the executive, legislative, and judiciary, each of which were supreme in all questions belonging to their departments, and independent of the others; that all the questions, which had arisen between him and us, belonged to the executive department, and, if Congress were sitting. could not be carried to them, nor would they take notice of them.

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He asked if they were not the sovereign. I told him so, they were sovereign in making laws only, the executive was sovereign in executing them, and the judiciary in construing them where they related to their department. "But," said he, "at least, Congress are bound to see that the treaties are observed." I told him no; there were very few cases indeed arising out of treaties, which they could take notice of; that the President is to see that treaties are observed. "If he decides against the treaty, to whom is a nation to appeal?" I told him the constitution had made the President the last appeal. He made me a bow, and said, that indeed he would not make me his compliments on such a constitution, expressed the utmost astonishment at it, and seemed never before to have had such an idea.

He was now come into perfect good humor and coolness, in which state he may with the greatest freedom be spoken with. I observed to him the impropriety of his conduct in persevering in measures contrary to the will of the government, and that too within its limits, wherein unquestionably they had a right to be obeyed. "But," said he, "I have a right to expound the treaty on our side." "Certainly," said I, "each party has an equal right to expound their treaties. You, as the agent of your nation, have a right to bring forward your exposition, to support it by reasons, to insist on it, to be answered with the reasons for our exposition where it is contrary; and when, after hearing and considering your reasons, the highest authority in the nation has

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decided, it is your duty to say you think the decision wrong, that you cannot take upon yourself to admit it, and will represent it to your government to do as they think proper; but in the meantime, you ought to acquiesce in it, and to do nothing within our limits contrary to it."

He was silent as to this, and I thought was sensible it was right. I brought him to the point of the *Little Sarah*, and pressed his detaining of her till the President's return. "Why detain her?" said he. "Because," said I, "she is reported to be armed with guns acquired here." He said the guns were all French property, and surely we did not pretend to control them in the disposal of their own property; that he could name to me the French vessels, from which he had taken every gun. I told him I would be obliged to him for any evidence of that fact, with which he would furnish me, and repeated my request to detain the vessel. He was embarrassed and unwilling. He said he should not be justified in detaining her. I told him it would be considered a very serious offence indeed if she should go away; that the government was determined on that point, and, thinking it was right, would go through with it.

After some hesitation he said he could not make any promise, it would be out of his duty, but that he was very happy in being able to inform me, that the vessel was not in readiness, and therefore could not sail that day. I asked him if I might rely, that she would not be ready to sail before the return of the President. He then spoke of her unreadiness in-

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definitely as to time, said she had many things to do yet, and would not be ready for some time, he did not know when. And whenever I tried to fix it to the President's return he gave the same answer, that she would not be ready for some time, but with the look and gesture, which showed he meant I should understand she would not be gone before that time. "But," said he, "she is to change her position and fall down the river to-day; but she will not depart yet." "What," said I, "will she fall down to the lower end of the town?" "I do not exactly know where," said he, "but somewhere there for the convenience of getting ready some things; but let me beseech you not to permit any attempt to put men on board of her. She is filled with high-spirited patriots, and they will unquestionably resist; and there is no occasion, for I tell you she will not be ready to depart for some time."

I told him then I would take it for granted she would not be ready before the President's return, that in the meantime we would have inquiries made into the facts, and would thank him for information on the subject, and that I would take care that the case should be laid before the President the day after his return. He promised to give me a state of facts the next day.

I then returned to the governor, told him what had passed, and that I was satisfied, that, though the vessel was to fall somewhere down the river, she would not sail. He thereupon ordered the militia to be dismissed.

On repeating to him and Mr. Dallas what M. Genet

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had said we found it agreed in many particulars with what he had said to Mr. Dallas; but Mr. Dallas mentioned some things which he had not said to me, and particularly his declaration that he would appeal from the President to the people. He did, in some part of his declamation to me, drop the idea of publishing a narrative or statement of transactions; but he did not on that, nor ever did on any other occasion in my presence, use disrespectful expressions of the President. He, from a very early period showed, that he believed there existed here an English party, and ascribed to their misinformations, industry, and manœuvres some of the decisions of the executive. He is not reserved on this subject. He complains of the partiality of the information of tho seemployed by government, who never let a single movement of a French vessel pass unnoticed, nor ever inform of an English one arming, or not till it is too late to stop her.

The next day, Monday, I met the secretaries of the treasury and war in the governor's office. They proposed our ordering a battery to be erected on Mud Island immediately, guns to be mounted, to fire on the vessel and even to sink her if she attempted to pass. I refused to concur in the order, for reasons assigned in another paper. The vessel was then at Gloucester Point. Whether any intention of this proposition got out, I do not know, but she very soon after fell down to Chester. On a suggestion, that there were fifteen or twenty Americans on board, we desired Mr. Rawle to take measures to prosecute them.

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A recapitulation of questions whereon we have given opinions.[1]

Does the treaty with France leave us free to prohibit her from arming vessels in our ports? Th: J. H. K. & R. unanimous it does.

As the treaty obliges us to prohibit the enemies of France from arming in our ports, & leaves us free to prohibit France, do not the laws of neutrality oblige us to prohibit her. Same persons unan. they do.

How far may a prohibition now declared be retrospective to the vessels armed in Charlestown before the prohibition, to wit the *Citoyen Genet* & *Sans Culottes* & what is to be done with these prizes? Th: J.—It cannot be retrospective at all; they may sell their prizes, & continue to act freely as other armed vessels of France. H. & K.—The prizes ought to be given up to the English, & the privateers suppressed. R.—They are free to sell their prizes & the privateers shd. be ordered away, not to return here till they shall have been to the domns of their own sovereign & thereby purged the illegality of their origin. This last opinion was adopted by the President.

Our citizens who have joined in these hostilities agt nations at peace with the U S. Are they punishable? E. R. gave an official opinion they were. Th: J. H. & K. joined in the opinion. All thought it our duty to have prosecutions instituted against them, that the laws might pronounce on their case. In the 1st. instance two only were prosecuted merely to try

[1] There are two copies, slightly varying, of this paper in the Jefferson MSS. Series 4: I. and III.

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the question & to satisfy the complt. of the British min. & because it was thought they might have offended unwittingly. But a subsequent armament of a vessel at New York taking place with full knolege of this prosecution, all the persons engaged in it, citizens & foreigners, were ordd. to be prosecutd.

May the prohibition extend to the means of the party arming, or are they only prohibited from using our means for the annoyance of their enemy. Th: J. of opn they are free to use their own means, *i. e.* to mount their own guns &c. H. & K. of opn they are not to put even their own implements or means into a posture of annoyance. The President has as yet not decided this.

May an armed vessel arriving here be prohibited to employ their own citizens found here, as seamen or mariners? Th: J.—They cannot be prohibited to recruit their own citizens. H. & Knox.—They may & ought to be prohibited. No decision yet by the President.

It appears to me the President wished the *Little Sarah* had been stopped by military coercion, that is by firing on her. Yet I do not believe he would have ordered himself had he been here, tho he would be glad if we had ordered it.

The U S. being a ship building nation may they sell ships prepared for war, to both parties? Th: J. —They may sell such ships in their ports to both parties, or carry them for sale to the domns of both parties. E. R. of opn. they could not sell them here, & that if they attempted to carry them to the domns of the parties for sale, they might be seized by the

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way as *contraband*. H. of same opn, except that he did not consider them as seizable for contraband, but as the property of a power, making itself a party in the *war* by an aid of such a nature, & consequently that it would be a breach of neutrality.

H. moves that the govmt of France be desired to recall Mr. Genet. Knox adds & that he be in the meantime suspended from his functions. Th: J. proposes that his correspondence be communicated to his govmt with friendly observns. Presidt silent.[1]

July 15. Th. J. H. & K. met at the President's. Govr. Mifflin had appld to Knox for the loan of 4. cannon to mount at Mud Isld. Informd him he shd station a guard of 35 militia there, & asked what arrangemt for rations the genl. govmt had taken. Knox told him nothing could be done as to rations & he wd. ask the Presidt for the cannon. In the meantime he promd. him to put the cannon on board a boat, ready to send off as soon as permission was obtd. The Presidt. declared his own opn *first* & fully that when the orders were given to the governrs. to stop vessels armg &c in our ports even by military force, he took for granted the govrs. wd use such diligence as to detect those projects in embryo & stop them when no force was requisite or a very small party of militia wd. suffice: that here was a demand from the governr. of Penve. to land 4. cannon under pretext of executing orders of the genl. govmt, that if this was granted we shd. be

[1] This is committed to writing the morning of the 13th of July. *i. e.* the whole page. *T. J.*

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immedly. appld to by every other governor, & that not for one place only, but several, & our cannon wd. be dispersd. all over the U S. that for this reason we hd. refusd. the same request to the govrs. of S. C. Virgi. & R. I. that if they erected batteries, they must establish men for them, & would come on us for this too. He did not think the Executive had a power to establish permanent guards he had never looked to anything permanent when the orders were given to the governors, but only an occasional call on small parties of militia in the moments requirg it. These sentiments were so entirely my own, that I did little more than combat on the same grounds the opns of H. & K. The latter said he would be ready to lend an equal number to every govmt to carry into effect orders of such importance: & H. that he would be ready to lend them in cases where they happened to be as near the place where they were to be mounted.

Hamilton submitted the purchase of a large quantity of salt petre, which would outrun the funds destined to objects of that class by Congress. We were unanimous we ought to venture on it, and to the procuring supplies of military stores in the present circumstances, and take on us the responsibility to Congress, before whom it should be laid. The President was fully of the same opn.

In the above case of the cannon, the President gave no final order while I remained but I saw that he was so impressed with the disagreeableness of taking them out of the boat again, that he would yield. He spoke sharply to Knox for having put

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them in that position without consulting him, & declared that, but for that circumstance he would not have hesitated one moment to refuse them.

July 18. 93. At a meetg. at the Presid.'s genl. Knox tells us Govr. Blount (now in town) has informed him that when Mt. florence ws. in France, certn. members of ye execve Council enquird of him what were the disposns of Cumbld. settlemt &c. towds. Spain? Mt. florce. told them unfriendly. They then offd. him a commissn. to embody troops there, to give him a quantity of blank commns to be filled up by him making officers of the republic of France those who shd. command, & undertake to pay the expences. Mt. florce. desird. his name mt. nt. be used. Blount added that Mt. florce. while in France pretendd. to be a great friend to their revoln tho an enemy to it in his heart.

Eod. die. Lear calls on me. I told him that Irving, an Irishman, & a writer in the Treasury,[1] who on a former occn hd. given the most decisive proofs of his devotion to his principal, was the author of the pieces signed Veritas: I wished he could get at some of Irving's acquaintances and inform himself of the fact, as the person who told me of it would not permit the name of his informer to be mend. [Note Beckley told me of it, & he had it from Swaine the printer to whom the pieces were delivd.] that I had long before suspected this excessive foul play in that party, of writing themselves in the character of the most exaggerated democrats, &

[1] *Cf.* with p. 279.

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incorporating with it a great deal of abuse on the President to make him believe it was that party who were his enemies, & so throw him entirely into the scale of the monocrats. Lear said he no longer ago than yesterday expressed to the President his suspicions of the artifices of that party to work on him. He mentd. the following fact as a proof of their writing in the character of their adversaries. To wit. the day after the little incident of Richet's toasting "the man of the people" (see the gazettes) Mrs. Washington was at Mrs. Powel's, who mentd. to her that when the toast was given there was a good deal of disapprobation appeared in the audience, & that many put on their hats and went out: on inquiry he had not found the fact true, and yet it was put into ———'s paper, & written under the character of a republican, tho' he is satisfied it is altogether a slander of the monocrats. He mentd. this to the Presidt. but he dd. nt. mentn. to him the followg fact, which he knows, that in N. York the last summer when the parties of Jay and Clinton were running so high, it was an agreed point with the former, that if any circumstances should ever bring it to a question whether to drop Hamilton or the President they had decided to drop the Presidt. He said that lately one of the loudest pretended friends to the govmt. damned it, & said it was good for nothing that it could not support itself, & it was time to put it down & set up a better, & yet the same person in speakg to the Presidt. puffed of that party as the only friends to the govmt. He said he really feared that by their artifices & industry they would ag-

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gravate the Presidt. so much agt. the Republicans as to separate him from the body of the people. I told him wt the same cabals hd decided to do, if the Presidt. hd refused his assent to the bk bill, also wt. Brockhurst Livingston[1] sd to ———that Hamilton's life was much more precious to the community than the Presid's.

July 21. 93. At Dr. Logan's to-day Genet told us that Colo. Hamilton had never in a single instance addressed a letter to him as the Minister of the *republic of France*, but always as the Minister of France.

July 23. 1793. A meeting at the Pr's of the 3 heads of depmts & E. R.

Genet had told me about a fortnight ago that he had come here with instructions to let all his contracts to the lowest bidder of sufficient ability, that he had been privately admonished however at the same time by some individuals who had been in America that, if he meant to succeed, he must put his contracts into the hands of Rob. Morris &c. who were all-powerful in the government. That he pd little regard to this, and pursuing vigorously the plan of his instns he had failed, as I knew, meeting to every proposition for obtaining money, the decided opposn of the Secy. of the Treasury.—Knowing as I did how decidedly the Sy. of the Tr. hd. been agt. every the smallest *advance* beyond what was actually exigible, & even for a day, I was

[1] Henry Brockholst Livingston.

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attentive to him. He continued, that he had now found out that if he would put the contract into the hands of Mr Hamilton's friends he could get money.[1] That he had already been in treaty with Cuningham & Nesbit, had agreed with them on terms mutually acceptable tho' not as good as in the way pointed out in his instrns, & that Mr. Hamilton had also agreed, tho' it was not yet in writing. I could not help saying "are you sure Colo. H. is agreed. I think it impossible." I am sure says he, and you shall see. Accordingly at this meeting Colo. H. proposes to agree to pay the orders of Mr. Genet to the amount of the instalments of this year that is to day, to note at the treasury those orders as presented, and to say to the persons that such a sum will be pd at the day of the instemt. & he presented a lre ready cut and dry for the purpose. The Presidt. came into it at once, on acct. of the distresses of the refugees from St. Domingo, for whom some of it was to be used. Knox asked no other question than whether it was convent. to the treasy. I agreed to it on my old ground, that I had no objection to an advance. E. R. alone was afraid, & insisted the Secy. of the Try. shd. present a written paper to each holder of a bill letting them see that we would pay for the *govmt of France on such a day* such

A *Precious Statement*

[1] "Jefferson, Secretary of State, appeared to me in the beginning better disposed to second our views. He gave me some useful ideas regarding the men in office, and did not conceal from me that Senator Morris and the Secretary of the Treasury Hamilton, attached to the interests of England, exerted the greatest influence on the mind of the President, and it was only with the greatest difficulty that he counteracted their efforts."—*Genet to Minister of Foreign Affairs*, July 31, 1793.

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a sum, so that if a counter-rvlution shd. take place between this & the day (to wit, some day in Sep. & another in Nov.) in time to be known here, we shd. not be held to pay to the holder but to the new govmt. Hamilt. agreed to arrange this with E. R. which in private he will easily do:

At this meeting (E. R. being called away on business) I proposed an answer to Genet's lre of July 9. on French property taken by the English in American bottoms, which was agreed to in toto.—Also an answer to his letter of June 14. covering protests of consuls about Admiralty courts arresting their prizes. To this it was thought some addns were necessary, & particly. Knox proposed some notice shd. be taken of the expressions towards the Presidt. personally. So it was referred to another day. The Presidt. mentiond. that we must shortly determine what was to be done with Mr. Genet, that in his own opn his whole correspdce shd. be sent to G. Mor' with a temporate but strong representation of his conduct, drawg. a clear line between him & his nation, expressg. our frdship to the latter, but insistg. on the recall of Genet, and in the mean time that we should desire him either to withdraw or cease his functions. Hamilton hereon made a long speech exhorting the Presidt. to firmness, representing that we were now in a crisis whereon the continuance of the govmt or it's overthrow by a faction depended, that we were still in time to give the tone to the public mind by laying the whole proceedings before them, & that this shd. be done in addition to what he had proposed: that as yet the great body of the people cd. be kept on

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the right side by proper explanations, but that if we let the incendiaries go on, they would soon have taken side with them.—Knox told some little stories to aggrevate the Pr. to wit, that Mr. King had told him, that a lady had told him, that she had heard a gentleman say that the Pr. was as great a tyrant as any of them, & that it would soon be time to chase him out of the city.—That Mr. Stagg lately from N. York had told him that the St. Tammany society now had meetings to the number of 500. persons, & that Consul Hauterive appeared to be very intimate with them.

The President also desired us to reflect on the question of calling Congress.

Hamilton & Knox told the President they had extorted from Beach [1] a confession that Pascal (one of the Secretaries of Genet) sent him the queries inserted in his paper 2 or 3 days ago & to one of which the Visct. Noailles gave the lie in the paper of to-day. He said Talon [2] had never been but twice to his house, which was to public dinners, & that he had dined once with Talon, in a large company.

NOTE GIVEN TO THE PRESIDT. JULY 26, 1793

Mr. Genet's declaration to the President at his reception, that France did not wish to engage the U S in the present war by the clause of guarantee but left her free to pursue her own happiness in peace, has been repeated to myself in conversation, & to others, and even in a public answer, so as to place it beyond question.

[1] Benjamin Franklin Bache, publisher of the *General Advertiser*.
[2] Noailles and Talon were agents from the French royalists.

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Some days after the reception of Mr. Genet (which was May 17.) I went to his house on business. The Atty Genl went with me to pay his first visit. After he withdrew, Mr. Genet told me Mr. Ternant had delivered him my letter of May 15. on the 4. memorials of Mr. Hammond: He said something first of the case of the *Grange*, and then of the vessels armed at Charleston. He said that on his arrival there he was surrounded suddenly by Frenchmen full of zeal for their country, pressing for authority to arm with their own means for it's assistance, that they would fit out their own vessels, provide everything, man them, and only ask a commission from him: that he asked the opinion of Govr Moultrie on the subject, who said he knew no law to the contrary, but begged that whatever was to be done, might be done without consulting him, that he must know nothing of it &c. That hereupon he gave commission to the vessels: that he was of opinion that he was justified not only by the opinions at Charleston but by our treaties. I told him the President had taken full advice on the subject, had very maturely considered it, and had come to the decision expressed in my letter. He said he hoped the President had not so absolutely decided it, but that he would hear what was to be said against it. I told him I had no doubt but that the President, out of respect to him & his country, would receive whatever he should have to urge on the subject, and would reconsider it with candour. He said he would make it his business to write me a letter on the subject, that he thought the arming the privateers was justifiable, but that if the President

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should finally decide otherwise tho' he could not think it would be right, yet he must submit: for that assuredly his instructions were to do whatever would be agreeable to us. He shewed indeed by his countenance, his manner & words that such an acquiescence would be with reluctance; but I was & am persuaded he then meant it.

Mr. Genet called at my office on Tuesday sennight or fortnight (say July 16 or 9) but I think it was Tuesday sennight, & know it was on a Tuesday because he went from thence to the President's. He was summing up to me the strength of the French naval force now arrived. I took that occasion to observe to him that having such great means in his hands, I thought he ought not to hesitate in abandoning to the orders of the government the little pickeroons which had been armed here unauthorized by them, & which occasioned so much embarrassment & uneasiness, that certainly their good dispositions must be worth more than the trifling services these little vessels could render. He immediately declared that having such a force in his hands he had abandoned every idea of further armament in our ports, that these small objects were now beneath his notice & he had accordingly written to the consuls to stop everything further of that kind: but that as to those which had been fitted out before, their honour would not permit them to give them up, but he wished an oblivion of everything which had passed, and that in future the measure so disagreeable to the government should not be pursued, tho' he thought it clearly justifiable by the treaty. I

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told him the government was of a different opinion, that both parties indeed had equal right to construe the treaty, that consequently he had done his duty in remonstrating against our construction, but that since the government remained finally persuaded of the solidity of it's own construction, & had a right to act accordingly within their own limits, it was now his duty as a diplomatic man to state the matter to his government, to ask & await their orders, & in the meantime to acquiesce, & by no means to proceed in opposition within our limits. It was at the same time he informed me that he had sent out the *Little Democrat* July 26 1793 to obtain intelligence of the state of the coast, & whether it was safe for the fleet to proceed round from Norfolk to New York.

July 29. 1793. At a meeting at the President's on acct. of the British letter of marque ship *Jane*, said to have put up waste boards, to have pierced 2 port holes & mounted 2 cannon (which she brought in) on new carriages which she did not bring in, & consequently having 16. instead of 14. guns mounted, it was agreed that a letter of marque, or vessel armé en guerre & en marchandise is not a privateer, & therefore not to be ordered out of our ports. It was agreed by Ham. Kn. & myself that the case of such a vessel does not depend on the treaties, but on the law of nations. E. R. thought as she had a mixed character of merchant vessel & privateer she might be considered under the treaty, but this being overruled the following paper was written.

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Rules proposed by Attorney General.

Agreed. 1. That all equipments purely for the accommodation of vessels, as merchantmen, be admitted.

Agreed. 2. That all equipments, doubtful in their nature, & applicable equally to commerce or war, be admitted, as producg too many minutiæ.

Agreed. 3. That all equipments, solely adapted to military objects be prohibited.

Rules proposed by the Secretary of the Treasury.

Agreed. 1. That the original arming & equiping of vessels for military service offensive or defensive in the ports of the U. S. be considered as prohibited to all.

Negatived. the Sec. of the Treasy. only holdg. the opn. 2. That vessels which were armed before their coming into our port shall not be permitted to augment these military equipments in the ports of the U. S., but may repair or replace any military equipments which they had when they began their voyage for the U. S., that this however shall be with the exception of privateers of the parties opposed to France, who shall not refit or repair.

Agreed. 3. That for convenience vessels armed and commissioned before they came into our ports may engage their own citizens, not being inhabitants of the U. S.[1]

[1] These are the basis of the rules adopted August 3d. *Cf.* Cabinet opinion of that date, Hamilton's *Works of Hamilton*, iv., p. 457.

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I subjoined the following

I concur in the rules proposed by the Atty genl. as far as respects materials or means of annoyance furnished by us, and I should be for an additional rule that as to means or materials brought into this country & belonging to themselves they are free to use them. [Knox agreed to the A. Genl. in toto, consequently, they were establd. by the vote of three. Ham. proposed to put questions on all the proposns separately, & he took the paper and put questions on the 3. of the Atty Genl. which were agreed. He was going on with questions on his own proposns without askg. us distinctly but by a sort of a look & a nod, and noting in the margin. I observed I did not understand that opion, that we had agreed to the Atty Genl., proposns, he said it was to take a question on each distinctly. Knox observed that as we understood these rules to extend only to cases out of the treaty we had better express it. I agreed & proposed to add some such words as these "excepting always where the treaties shall have otherwise provided." Hamilton broke loose at this & pretended it was meant they should go to all cases. All of us bore testimony agt. this & that he himself had shewn that the present case was out of the treaties. He said he would rather specify the exceptions expressly, than leave them on the general terms I proposed; so it was agreed to take till to-morrow to examine the treaties & specify the exceptions if it could be done. While this was passing E. R. took the paper in his hand & read Ham's original notes as above, and seeing that he had written "agreed"

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opposite to his own (Ham's) 1st. proposn, he observed to Knox so that I overheard him, that that had not been agreed, which was the truth. To his 3d. proposn we had all agreed in conversn, but it had not been agreed to add it to the rules.—It was pretty evident from Ham's warmth, embarrasmt. eagerness, that he wanted to slip in some thing which might cover cases we had not in contemplation.][1] A question then arose whether we should expressly say that these articles were meant to extend to cases out of the treaty—it was referred to the next day.

July 30. Met at my office. I proposed to add to the rules a proviso that they should not be understood to contravene, as of right they could not, the provisions of the art. of our treaty with France, the of that with the U. N. or the of that with Prussia. Before Ham. & Kn. came into the room E. R. declared himself for a general reference, or a verbal quotn of the words of the treaties, & against all comments or substitution of new words. When they arrived, Ham. proposed a reference to the articles of the treaty by a description of the cases in shorter terms, which he proposed as equivalent to those of the treaty. E. R. said plumply & without one word of preface that he had been for a general reference to the treaties, but if the special descriptions would give more satisfaction, he would agree to it. So he & Hamilton drew their chairs together and made up the form:

[1] Jefferson struck out the portion here printed in brackets.

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but it was agreed to be put off for more mature digestion. *Th. J.*

Aug. 1. Met at the President's to consider what was to be done with Mr. Genet. All his correspondence with me was read over. The following proposns were made. 1. That a full statement of Mr. Genet's conduct be made in a letter to G. Morris, & be sent with his correspondence, to be communicated to the Exec. Council of France, the letter to be so prepared as to serve for the form of communication to the council. Agreed unan. 2. That in that letter his recall be required. Agreed by all, tho' I expressed a preference of expressing that desire with great delicacy, the others were for peremptory terms. 3. To send him off. This was proposed by Knox, but rejected by every other. 4. To write a letter to to Mr. Genet, the same in substance with that written to G. M. and let him know we had applied for his recall. I was against this, because I thot it would render him extremely active in his plans, and endanger confusion. But I was overruled by the other three gent. & the Presidt. 5. That a publication of the whole correspondence, and statement of the proceedgs should be made by way of appeal to the people. Hamilton made a jury speech of ¾ of an hour as inflammatory & declamatory as if he had been speaking to a jury. E. R. opposed it. I chose to leave the contest between them. Adjourned to next day.

Aug 2. Met again. Hamilton spoke again ¾ of

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an hour. I answered on these topics. *Object* of the appeal.—The Democratic society—this the great circumstance of alarm; afrd it wd extd. its connections over the continent, chiefly meant for the local object of the ensuing election of governor. If left alone wd die after that is over. If opposed, if proscribed, wd give it importce & vigor, wd give it a new object, and multitudes wd join it merely to assert the right of voluntary associations. That the measure was calculated to make the Pres. assume the station of the head of a party instead of the head of the nation. *Plan* of the appeal.—To consist of *facts* and the *decisions* of the Pres. As to facts we are agreed. But as to the decisions there has been great differences of opn among us. Sometimes as many opns as persons. This proves there will be ground to attack the decisions. Genet will appeal also, it will become contest between the Pres. & Genet.—Annonymous writers.—Will be same difference of opn in *Public*, as in our Cabinet.—Will be same difference in *Congress*, for it must be laid before them—would therefore work very unpleasantly *at Home*. How would it work *abroad?*—France.—Unkind.—After such proofs of her frdshp, shd rely on that frdshp & her justice. Why appeal to the world? Frdly nations always negotiate little differences in private.—Never appeal to the world, but when they appeal to the sword. Confedcy of Pilnitz was to overthrow the govmt of France. The interference of France to disturb other govmts & excite insurrections was a measure of reprisal. Yet these princes have been able to make it believed to be the system of France.

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Col. Ham supposes Mr. Genet's proceedgs here are in pursuance of that system, and we are so to declare it to the world & to add our testimony to this base calumny of the princes. What a triumph to them to be backed by our testimy. What a fatal stroke at the cause of liberty.—*et tu Brute*. We indispose the Fr. govmt, and they will retract their offer of the treaty of commerce. The President manifestly inclined to the appeal to the people.[1] Knox in a foolish incoherent sort of a speech introduced the *Pasquinade* lately printed, called the funeral of George W—n, and James W—n[2]; King & judge &c. where the President was placed on a guillotine. The Presidt was much inflamed, got into one of those passions when he cannot command himself, ran on much on the personal abuse which had been bestowed on him, defied any man on earth to produce one single act of his since he had been in the govmt which was not done on the purest motives, that he had never repented but once the having slipped the moment of resigning his office, & that was every moment since, that *by god* he had rather be in his grave than in his present situation. That he had rather be on his farm than to be made *emperor of the world* and yet that they were charging him with

[1] He said that Mr. Morris, taking a family dinner with him the other day went largely & of his own accord into this subject; advised this appeal and promised if the President adopted it that he would support it himself, & engage for all his connections. The President repeated this twice and with an air of importance. Now Mr. Morris has no family connections. He engaged then for his political friends. This shows that the President has not confidence enough in the virtue & good sense of mankind to confide in a government bottomed on them, and thinks other props necessary. *T. J.*

[2] James Wilson, Associate Justice of the Supreme Court.

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wanting to be a king. That that *rascal Freneau* sent him 3 of his papers every day, as if he thought he would become the distributor of his papers, that he could see in this nothing but an impudent design to insult him. He ended in this high tone. There was a pause. Some difficulty in resumg our question— it was however after a little while presented again, & he said there seemed to be no necessity for deciding it now: the propsns before agreed on might be put into a train of execution, & perhaps events would show whether the appeal would be necessary or not. He desired we would meet at my office the next day to consider what should be done with the vessels armed in our ports by Mr. Genet & their prizes.

Aug. 3. We met, The rules being now reduced on one paper I considered them, and not finding any thing against the treaties as far as I could see, they were agreed to & signed by us all.—We proceeded to consider what should be done as to the French privateers arrived in our ports, & their prizes taken since they were ordered away. Randolph recapitulated his old opinion. Hamilton proposed to suppress the privateers by military coercion & deliver the prizes to their owners. I proposed to require from Mr. Genet a delivery of the prizes to their owners, otherwise that, in consequence of the assurances we had given the British Minister, we should be bound to pay for them & must take credit for it with France, and to inform him that we would allow no further asylum in our ports to the sd privateers: [These were the *Citoyen Genet*, *Sans Culottes*, *Vain-*

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queur de la Bastille & *Petite Democrate*. The two last had been armed subsequent to the prohibition.] My proposn was agreed to with an addition that the governors should be notified that the privateers were no longer permitted to stay in our ports.

The President wrote to take our ops whether Congress should be called. Knox pronounced at once agt it. Randolph was against it. Hamilton said his judgment was against it, but that if any two were for it or against it, he would join them to make a majority. I was for it. We agreed to give separate ops to the Presidt. Knox sd we shd have had fine work if Congress had been sitting these two last months. The fool thus let out the secret. Hamilton endeavored to patch up the indiscretion of this blabber, by saying "he did not know; he rather thought they would have strengthened the Executive arm." It is evident they do not wish to lengthen the session of the *next Congress*, and probably they particularly wish it should not meet till Genet is gone.—At this meeting I received a lre from Mr. Remson at N. Y. informg me of the event of the combat between the *Ambuscade* & the *Boston*. Knox broke out into the most unqualified abuse of Capt. Courtany. Hamilton, with less fury, but with the deepest vexation, loaded him with censures. Both shewed the most unequivocal mortification at the event.

Aug. 6. The President concurs with Ham. & Kn. in notifying Mr. Hammond what we propose to do as to restitution of the prizes made by the *Citoyen Genet* &c. or compensation, because says he if you

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notify it to the party to whom it will give displeasure, we should do it to that also which will feel satisfaction from it.

He said he should have been for calling Congress himself, but he found the other gentlemen were against it.

Aug 6. 1793. The President calls on me at my house in the country, and introduces my letter of July 31. announcing that I should resign at the close of the next month. He again expressed his repentance at not having resigned himself, and how much it was increased by seeing that he was to be deserted by those on whose aid he had counted: that he did not know where he should look to find characters to fill up the offices, that mere talents did not suffice for the departmt of state, but it required a person conversant in foreign affairs, perhaps acquainted with foreign courts, that without this the best talents would be awkward & at a loss. He told me that Colo. Hamilton had 3. or 4. weeks ago written to him, informg him that private as well as public reasons had brought him to the determination to retire, & that he should do it towards the close of the next session. He said he had often before intimated dispositions to resign, but never as decisively before: that he supposed he had fixed on the latter part of next session to give an opportunity to Congress to examine into his conduct; that our going out at times so different increased his difficulty, for if he had both places to fill at one he might consult both the particular talents & geographical situation of our

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successors. He expressed great apprehensions at the fermentation which seemed to be working in the mind of the public, that many descriptions of persons, actuated by different causes appeared to be uniting, what it would end in he knew not, a new Congress was to assemble, more numerous, perhaps of a different spirit; the first expressions of their sentiments would be important: if I would only stay to the end of that it would relieve him considerably.

I expressed to him my excessive repugnance to public life, the particular uneasiness of my situation in this place where the laws of society oblige me always to move exactly in the circle which I know to bear me peculiar hatred, that is to say the wealthy aristocrats, the merchants connected closely with England, the new created paper fortunes; that thus surrounded, my words were caught, multiplied, misconstrued, & even fabricated & spread abroad to my injury, that he saw also that there was such an opposition of views between myself & another part of the admn as to render it peculiarly unpleasing, and to destroy the necessary harmony. Without knowg the views of what is called the Republican party here, or havg any communication with them, I could undertake to assure him from my intimacy with that party in the late Congress, that there was not a view in the Republican party as spread over the U S. which went to the frame of the government, that I believed the next Congress would attempt nothing material but to render their own body independant, that that party were firm in their dispositions to support the government: that the manœuvres of Mr.

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Genet might produce some little embarrassment, but that he would be abandoned by the Republicans the moment they knew the nature of his conduct, and on the whole no crisis existed which threatened anything.

He said he believed the views of the Republican party were perfectly pure, but when men put a machine in to motion it is impossible for themto stop it exactly where they would chuse or to say where it will stop. That the constn we have is an excellent one if we can keep it where it is, that it was indeed supposed there was a party disposed to change it into a monarchical form, but that he could conscientiously declare there was not a man in the U S. who would set his face more decidedly against it than himself. Here I interrupted him by saying "no rational man in the U S. suspects you of any other disposn, but there does not pass a week in which we cannot prove declns dropping from the monarchical party that our governmt is good for nothing, it is a milk & water thing which cannot support itself, we must knock it down & set up something of more energy.— He said if that was the case he thought it a proof of their insanity, for that the republican spirit of the Union was so manifest and so solid that it was astonishg how any one could expect to move them.

He returned to the difficulty of naming my successor, he said Mr. Madison would be his first choice, but that he had always expressed to him such a decision against public office that he could not expect he would undertake it. Mr. Jay would prefer his present office. He sd that Mr. Jay had a great

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opinion of the talents of Mr. King, that there was also Mr. Smith of S. Carola: E. Rutledge &c. but he observed that name whom he would some objections would be made, some would be called speculators, some one thing, some another, and he asked me to mention any characters occurrg to me. I asked him if Govr. Johnson of Maryld. had occurred to him? He said he had, that he was a man of great good sense, an honest man, & he believed clear of speculations, but this says he is an instance of what I was observing, with all these qualifications Govr. Johnson, from a want of familiarity with foreign affairs, would be in them like a fish out of water, everything would be new to him, & he awkward in everything. I confessed to him that I had considered Johnson rather as fit for the Treasury department. Yes, says he, for that he would be the fittest appointment that could be made; he is a man acquainted with figures, & having as good a knowledge of the resources of this country as any man. I asked him if Chancr. Livingston had occurred to him? He said yes, but he was from N. York, & to appoint him while Hamilton was in & before it should be known he was going out, would excite a newspaper conflagration, as the ultimate arrangement would not be known. He said McLurg had occurred to him as a man of first rate abilities, but it is said that he is a speculator. He asked me what sort of a man Wolcott was. I told him I knew nothing of him myself; I had heard him characterized as a cunning man. I asked him whether some person could not take my office par interim, till he should make an apptment? as Mr.

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Randolph for instance. Yes, says he, but there you would raise the expectation of keeping it, and I do not know that he is fit for it nor what is thought of Mr. Randolph. I avoided noticing the last observation, & he put the question to me directly. I then told him that I went into society so little as to be unable to answer it: I knew that the embarrassments in his private affairs had obliged him to use expedts which had injured him with the merchts & shopkeepers & affected his character of independance; that these embarrassments were serious, & not likely to cease soon. He said if I would only stay in till the end of another quarter (the last of Dec.) it would get us through the difficulties of this year, and he was satisfied that the affairs of Europe would be settled with this campaign; for that either France would be overwhelmed by it, or the confederacy would give up the contest. By that time too Congress will have manifested it's character & view. I told him that I had set my private affairs in motion in a line which had powerfully called for my presence the last spring, & that they had suffered immensely from my not going home; that I had now calculated them to my return in the fall, and to fail in going then would be the loss of another year, & prejudicial beyond measure. I asked him whether he could not name Govr. Johnson to my office, under an express arrangement that at the close of the session he should take that of the treasury. He said that men never chose to descend: that being once in a higher department he would not like to go into a lower one.[1] And he

[1] He asked me whether I could not arrange my affairs by going

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concluded by desiring that I would take 2. or 3. days to consider whether I could not stay in till the end of another quarter, for that like a man going to the gallows, he was willing to put it off as long as he could: but if I persisted, he must then look about him & make up his mind to do the best he could: & so he took leave.

Aug. 20. We met at the President's to examine by paragraphs the draught of a letter I had prepared to Gouverneur Morris, on the conduct of Mr. Genet. There was no difference of opinion on any part of it, except on this expression. "An attempt to embroil both, to add still another nation to the enemies of his country, & to draw on both a reproach, which it is hoped will never stain the history of either, that of *liberty warring on herself*." H. moved to strike out these words "that of liberty warring on herself." He urged generally that it would give offence to the combined powers, that it amounted to a declaration that they were warring on liberty, that we were not called on to declare that the cause of France was that of liberty, that he had at first been with them with all his heart, but that he had long since left them, and was not for encouraging the idea here that the cause of France was the cause of liberty in general, or could have either connection or influence in our affairs. Knox accordg to custom jumped plump into all his opinions. The Pr. with a good deal of positiveness declared in favor of the expression, that

home. I told him I did not think the public business would admit of it; that there was never a day now in which the absence of the Secretary of state would not be inconvenient to the public.—*T. J.*

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he considered the pursuit of France to be that of liberty, however they might sometimes fail of the best means of obtaining it, that he had never at any time entertained a doubt of their ultimate success, if they hung well together, & that as to their dissensions there were such contradictory accts. given that no one could tell what to believe. I observed that it had been supposed among us all along that the present letter might become public; that we had therefore 3. parties to attend to,—1. France, 2. her enemies, 3. the people of the U S. That as to the enemies of France it ought not to offend them, because the passage objected to only spoke of an attempt to make the U S. a *free nation*, war on France, a *free nation*, which would be liberty warring on herself, and therefore a true fact. That as to France, we were taking so harsh a measure (desiring her to recall her minister) that a precedent for it could scarcely be found, that we knew that minister would represent to his government that our Executive was hostile to liberty, leaning to monarchy & would endeavor to parry the charges on himself, by rendering suspicions the source from which they flowed. That therefore it was essential to satisfy France not only of our friendship to her, but our attachment to the general cause of liberty, & to hers in particular. That as to the people of the U S. we knew there were suspicions abroad that the Executive in some of it's parts was tainted with a hankering after monarchy, an indisposition towards liberty & towards the French cause; & that it was important by an explicit declaration to remove these suspicions & restore the confidence of

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the people in their govmt. R. opposed the passage on nearly the same ground with H. He added that he thought it had been agreed that this correspondence should contain no expressions which could give offence to either party. I replied that it had been my opinion in the beginng of the correspondence that while we were censuring the conduct of the French minister, we should make the most cordial declarations of friendship to them: that in the first letter or two of the correspondence I had inserted expressions of that kind, but that himself & the other two gentlemen had struck them out; that I thereupon conformed to their opinions in my subseqt. letters, and had carefully avoided the insertion of a single term of friendship to the French nation, and the letters were as dry & husky as if written between the generals of two enemy nations. That on the present occasion how ever it had been agreed that such expressions ought to be inserted in the letter now under considn, & I had accordly charged it pretty well with them. That I had further thought it essential to satisfy the French & our own citizens of the light in which we viewed their cause, and of our fellow feeling for the general cause of liberty, and had ventured only four words on the subject, that there was not from beginning to end of the letter one other expression or word in favor of liberty, & I should think it singular at least if the single passage of that character should be struck out.—The President again spoke. He came into the idea that attention was due to the two parties who had been mentd. France & the U S. That as to the

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former, thinking it certain their affairs would issue in a government of some sort, of considerable freedom, it was the only nation with whom our relations could be counted on: that as to the U S. there could be no doubt of their universal attachmt to the cause of France, and of the solidity of their republicanism. He declared his strong attachment to the expression, but finally left it to us to accommodate. It was struck out, of course, and the expressions of affection in the context were a good deal taken down.

Aug. 23. 93. In consequence of my note of yesterday to the Presidt. a meeting was called this day at his house to determine what should be done with the proposn of France to treat. The importance of the matter was admitted, and being of so old a date as May 22d. we might be accused of neglecting the interests of the U S. to have left it so long unanswered, & it could not be doubted Mr. Genet would avail himself of this inattention. The Presidt. declared it had not been inattention, that it had been the subject of conversation often at our meetings, and the delay had proceeded from the difficulty of the thing. If the struggles of France should end in the old despotism the formation of such a treaty with the present governmt. would be a matter of offence: if it should end in any kind of free governmt. he should be very unwilling by inattention to their advances to give offence & lose the opportunity of procuring terms so advantageous to our country. He was therefore for writing to Mr. Morris to get the powers of Mr. Genet renewed to his successor. [As he had ex-

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pressed this opn to me the afternoon before I had prepared the draught of a letter accordly.] But how to explain the delay? The Secy. of the Treasury observed on the letter of the Natl. Convention, that as it did not seem to require an answer, and the matters it contained would occasion embarrassmt. if ansd he should be agt answering it. That he shd. be for writing to Mr. Morris mentioning our readiness to treat with them & suggesting a renewal of Mr. Genet's powers to his successor, but not in as strong terms as I had done in my draft of the letter, not as a thing anxiously wished for by us, lest it should suggest to them the asking a price; & he was for my writing to Mr. Genet *now* an answer to his letter of May 22. referring to the meeting of the Senate the enterg on the treaty. Knox concurred with him. The Attorney Genl. also, except that he was against suggesting the renewal of Mr. Genet's powers, because that would amount to a declaration that we would treat with that government, would commit us to lay the subject before the Senate, & his principle had ever been to do no act, not unavoidably necessary, which in the event of a counter revolution might offend the future governing powers of that country;—I stated to them that having observed from our conversns that the proposns to treat might not be acceded to immedty. I had endeavord to prepare Mr. Genet for it by taking occasion in conversns to apprize him of the controul over treaties which our consn had given to the Senate, that tho' this was indirectly done (because not having been authorized to say anything official on the subject, I did not

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venture to commit myself directly) yet on some subsequent conversn, I found it had struck him exactly as I had wished, for speaking on some other matter, he mentd. incidentally his propositions to treat, and said 'however as I know now that you cannot take up that subject till the meeting of the Senate, I shall say no more about it now,' and so proceeded with his other subject, which I do not now recollect. I said I thought it possible by recalling the substance of these conversations to Mr. Genet in a letter to be written now I might add that the Executive had at length come to a conclusion that on acct. of the importce of the matter, they would await the meeting of the Senate. But I pressed strongly the urging Mr. Morris to procure a renewal of Genet's powers that we might not lose the chance of obtaing so advantageous a treaty. E. R. had argued agt. our acceding to it because it was too advantageous, so much so that they would certainly break it, & it might become the cause of war. I answd that it would be easy in the course of the negociations to cure it of it's inequality by giving some compensation: but I had no fear of their revoking it, that the islanders themselves were too much interested in the concessions ever to suffer them to be revoked, that the best thinkers in France had long been of opn that it would be for the intt. of the mother country to let the colonies obtain subsistence wherever they could cheapest, that I was confident the present struggles in France would end in a free govmt of some sort, & that such a govmt would consider itself as growing out of the present one & respect it's treaties. The

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Presidt, recurred to the awkwardness of writing a letter now to Mr. Genet in answer to his of May 22. That it would certainly be construed as merely done with a design of exculpation of ourselves, & he would thence inculpate us. The more we reflected on this the more the justice of this observon struck us. H. & myself came into it. Knox still for the letter. R. half for it, half against it, according to custom. It was at length agreed I should state the substance of my verbal observns to Mr. Genet, in a letter to Mr. Morris, and let them be considered as the answer intended, for being from the Secy. of state they might be considd. as official tho' not in writing.

It is evident that taking this ground for their future justification to France & to the U S. they were sensible they had censurably neglected these overtures of treaty. For not only what I had said to Mr. Genet was without authority for them, but was never communicated to them till this day. To rest the justification of delay on answers given it is true in time, but of which they had no knolege till now, is an ostensible justification only.

Sep. 4. 1793. At a meeting held some days ago, some lres from the Govr. of Georgia,[1] were read, with a consultation of officers, & a considble expedn agt the Creeks was proposed.[2] We were all of opon no such expedn. should be undertaken. My reasons were that such a war mt. bring on a Span. and even an English war that for this reason the aggressions

[1] Edward Telfair.

[2] Printed in *American State Papers*, Indian Affairs, ii., 370.

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of the Creeks had been laid before the last Congress & they had not chosen to declare war, that therefore the Executive shd. not take on itself to do it, and that accdg to the opns of Pickens & Blount it was too late in the season.

I thought however that a temperate and conciliatory lre should be written to the govr. in order that we might retain the disposn of the people of the state to assist in an expedn when undertaken. The other gentlemen thought a strong letter of disapprobation shd. be written. Such a one was this day produced, strong & reprehendatory enough, in which I thought were visible the personal enmities of Kn. & Ham. agt. Telfair, Gun & Jackson, the two last having been of the council of officers. The letter passed without objection, being of the complexion before determd.

Wayne's letter was read, porposg that 600. militia should set out from Fort Pitt to attack certain Miami towns, while he marched agt. the principal towns. The Presidt. disapproved it because of the difficulty of concerted movements at 600. miles distance, because these 600. men might & probably would have the whole force of the Indns. to contend with, & because the object was not worth the risking such a number of men. We all concurred. It appeared to me further that to begin an expedn now from Fort Pitt, the very 1st. order for which is to be given now when we have reason to believe Wayne advanced as far as Fort Jefferson would be either too late for his movements or would retard them very injuriously.—*Note.* The letters from the Com-

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mrs. were now read, announcing the refusal of the Indns. to treat unless the Ohio were made the boundary & that they were on their return.

A lre from Govr. Clinton read, informg of his issuing a warrant to arrest Govr. Galbaud,[1] at the request of the French Consul, & that he was led to interfere because the judge of the district lived at Albany. It was proposed to write to the judge of the district that the place of his residence was not adapted to his duties, & to Clinton that Galbaud was not liable to arrest. Ham. said that by the laws of N. Y. the Govr. has the powers of a justice of peace, & had issued the warrant as such. I was against writing lres to judiciary officers. I thought them independt. of the Executive, not subject to its coercion, & therefore not obliged to attend to its admonitions. The other three were for writing the lres. They thot it the duty of the President to see that the laws were exd, & if he found a failure in so important an officer, to communicate it to the legislature for impeachmt. E. R. undertook to write the lres & I am to sign them as if mine.

The Presidt. brot forward the subject of the posts, and thought a new demand of answer should be made to Mr. Hammond. As we had not Mr. Hammond's last answer (of June 20.) on that subject, agreed to let it lie over to Monday.

Ham. proposed that on Monday we shd. take into consideration the fortification of the rivers & ports of the U S. and that tho' the Exec. cd. not undertake

[1] A refugee from the revolution in St. Domingo, who was antagonized by Genet, and eventually fled to Canada.

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to do it, preparatory surveys shd be made to be laid before Congr.—to be considd. on Monday.

The lres to Genet coverg a copy of mine to Gov. Mor. [of ——] to the Fr. consuls threateng the revvocn of their Exequaturs to Mr. Pinckney on the addnl instrns of Gr. Br. to their navy for shipping our corn, flour, &c. & to Govr. Mor. on the similar ord. of the French Natl. assembly, are to be ready for Monday.

My lre to Mr. Hammond in ansr. to his of Aug. 30. was read & approved. Ham. wished not to narrow the ground of compensation so much as to cases after Aug. 7. Knox joined him, and by several observns showed he did not know what the question was. He could not comprehend that the lre of Aug. 7. which promised compensn (because we had not used all the means in our power for restr) would not be contradicted by a refusal to compensate in cases after Aug. 7. where we should naturally use all the means in our power for restr, & these means should be insufficient. The letter was agreed to on R.'s opon & mine, Ham. acquiescing, Knox opposing.

Nov. 8. 93. At a conference at the President's where I read several letters of Mr. Genet, on finishing one of them, I asked what should be the answer? The Presidt thereupon took occasion to observe that Mr. Genet's conduct contind to be of so extraordy. a nature that he meant to propose to our serious considn Whether he should not have his functions discontd & be ordd. away? He went lengthily into observns on his conduct, to raise against the Execu-

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tive 1. the people, 2. the state govmts, 3. the Congress. He showed he felt the venom of Genet's pen, but declared he would not chuse his insolence should be regarded any further than as might be thought to affect the honor of the country. Hamilton & Knox readily & zealously argued for dismissing Mr. Genet. Randolph opposed it with firmness, & pretty lengthily. The Presidt. replied to him lengthily, & concluded by saying he did not wish to have the thing hastily decided but that we should consider of it, and give our opinions on his return from Reading & Lancaster. Accdly Nov. 18. we met at his house. Reed new volumes of Genet's lres recd. since the President's departure, then took up the discussion of the subjects of communicn to Congress. 1. The Proclmn. E. R. read the statemt he had prepared. Hamilton did not like it, said much about his own views, that the Presidt. had a right to declare his opn to our citizens & foreign nations. That it was not the interest of this country to join in the war & that we were under no oblign to join in it, that tho' the declr would not legally bind Congress, yet the Presidt. had a right to give his opn of it, & he was agt. any expln in the speech which should yield. That he did not intend that foreign nations shd consider it as a decln of neutrality future as well as present, that he understood it as meant to give them that sort of assurance & satisfaction, & to say otherwise now would be a deception on them. He was for the Pres's using such expressions as should neither affirm his right to make such a decln to foreign nations, nor yield it. R. & myself opposed the right

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of the Presidt. to declare anything future on the qu. shall there or shall there not be war? & that no such thing was intended; that H.'s constrn of the effect of the proclmn would have been a determn of the question of the *guarantee* which we both denied to have intended, & I had at the time declared the Executive incompetent to. R. said he meant that forn natns. should understand it as an intimation of the Pr.'s opn that neutrality would be our interest. I declared my meaning to have been that forn nations should understand no such thing, that on the contrary I would have chosen them to be doubtful & to come & bid for our neutrality. I admitted the Presidt. havg. recd. the natn. at the close of Congr. in a state of peace, was bound to preserve them in that state till Congr. shd. meet again, & might proclaim anything which went no farther. The Pres. decld. he nevr. had an idea that he could bind Congress agt. declaring war, or that anything containd. in his proclmn could look beyd. the first day of their meeting. His main view was to keep our people in peace, he apologized for the use of the term neutrality in his answers, & justifd. it by having submitted the first of them (that to the merchts wherein it was used) to our considn, & we had not objected to the term. He concluded in the end that Colo. H. should prepare a paragraph on this subject for the speech, & it should then be considered.[1] We were here called to dinner.

After dinner the *renvoi* of Genet was proposed by himself. I opposed it on these topics. France the

[1] See Hamilton's *Works of Hamilton*, iv., 486.

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only nation on earth sincerely our friend.—The measure so harsh a one that no precedt. is producd. where it has not been followed by war. Our messenger has now been gone 84. days, conseqly. we may hourly expect the return & to be relieved by their revocation of him. Were it now resolved on, it would be 8. or 10. days before the matter on which the order shd. be founded could be selected, arranged, discussed, & forwarded. This wd. bring us within 4 or 5. days of the meeting of Congress. Wd. it not be better to wait & see how the pulse of that body, new as it is, would beat. They are with us now, probably but such a step as this may carry many over to Genet's side. Genet will not obey the order, &c., &c. The Presidt. asked me what I would do if Genet sent the accusn to us to be communicd. to Congr. as he threatd. in the lre to Moultrie? I sd. I wd. not send it to Congr., but eithr. put it in the newsp. or send it back to him to be publd. if he pleased. Other questions & answers were put & returned in a quicker altercation than I ever before saw the President use. Hamilton was for the *renvoi*. Spoke much of the dignity of the nation, that they were now to form their character, that our conduct now would tempt or deter other forn. min. from treatg us in the same manner, touched on the Pr's personal feelings— did not believe Fr. wd. make it a cause of war, if she did we ought to do what was right & meet the consequences &c. Knox on the same side, & said he thot it very possible Mr. Genet would either declare us a departmt. of France, or levy troops here & endeavor to reduce us to obedce. R.

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of my opn, & argued chiefly on the resurrection of popularity to Genet which might be prodd. by this measure. That at present he was dead in the public opn if we would but leave him so. The Presidt. lamented there was not unanimity among us; that as it was we had left him exactly where we found him. & so it ended.

Nov. 15. 1793. E. R. tells me, that Ham. in conversn with him yesterday said "Sir, if all the people in America were now assembled, & to call on me to say whether I am a friend to the French revolution, I would declare that *I have it in abhorrence.*"

Nov. 21. We met at the President's. The manner of explaining to Congress the intentions of the Proclmn was the matter of debate. E. R. produced his way of stating it. This expressed it's views to have been 1. to keep our citizens quiet. 2. to intimate to foreign nations that it was the Pr's opn that the interests & disposns of this country were for peace. Hamilton produced his statement in which he declared his intention to be to say nothing which could be laid hold of for any purpose, to leave the proclamation to explain itself. He entered pretty fully into all the argumentation of Pacificus, he justified the right of the Presidt to declare his opinion for a *future neutrality*, & that there existed no circumstances to oblige the U. S. to enter into the war on account of the guarantee, and that in agreeing to the proclmn he meant it to be understood as conveying both those declarations, viz, neutrality, & that

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the *casus fœderis* on the guarantee did not exist. Notwithstanding these declns of the Presidt. he admitted the Congress might declare war. In like manner they might declare war in the face of a treaty, & in direct infraction of it. Among other positions laid down by him, this was with great positiveness, that the constn having given power to the Presidt. & Senate to make treaties, they might make a treaty of neutrality which should take from Congress the right to declare war in that particular case, and that under the form of a treaty they might exercise any powers whatever, even those exclusively given by the constn to the H. of representatives. R. opposed this position, & seemed to think that where they undertook to do acts by treaty (as to settle a tariff of duties) which were exclusively given to the legislature, that an act of the legislature would be necessary to confirm them, as happens in England when a treaty interferes with duties establd by law.—I insisted that in givg to the Prest. & Senate a power to make treaties, the constn meant only to authorize them to carry into effect by way of treaty any powers they might constitutionally exercise. I was sensible of the weak points in this position, but there were still weaker in the other hypotheses, and if it be impossible to discover a rational measure of authority to have been given by this clause, I would rather suppose that the cases which my hypothesis would leave unprovided, were not thought of by the Convention, or if thought of, could not be agreed on, or were thought on and deemed unnecessary to be invested in the government. Of this last description

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were treaties of neutrality, treaties of offensive & defensive &c. In every event I would rather construe so narrowly as to oblige the nation to amend and thus declare what powers they would agree to yield, than too broadly & indeed so broadly as to enable the Executive and Senate to do things which the constn forbids. On the question Which form of explaining the principles of the proclmn should be adopted? I declared for R.'s, tho' it gave to that instrumt. more objects than I had contemplated. K declared for H's. The Presidt. said he had had but one object, the keeping our people quiet till Congress should meet, that nevertheless to declare he did not mean a decln of neutrality in the technical sense of the phrase might perhaps be crying *peccavi* before he was charged. However he did not decide between the two draughts.

Nov. 23. At the President's. Present K. R. & Th: J. Subject, the heads of the speech. One was, a proposition to Congress to fortify the principal harbors. I opposed the expediency of the general government's undertaking it, & the expediency of the President's proposing it. It was amended by substituting a proposition to adopt means for enforcg respect to the jurisdn of the U S. within its waters. It was proposed to recommend the establishmt of a military academy. I objected that none of the specified powers given by the constn to Congress would authorize this. It was therefore referred for further considn & inquiry. K. was for both propositions. R. agt. the former, but said nothing

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as to the latter. The Presidt. acknold. he had doubted of the expedcy of undertakg the former, and as to the latter, tho' it would be a good thing, he did not wish to bring on anything which might generate heat & ill humor. It was agreed that Rand. should draw the speech & the messages.

Nov. 28. We met at the President's.

I read over a list of the papers copying, to be communicated to Congress on the subject of Mr. Genet. It was agreed that Genet's lre of Aug. 13. to the President, mine of Aug. 16. and Genet's of Nov. to myself & the atty genl. desiring a prosecution of Jay & King [1] should not be sent to the legislature: on a general opn that the discussion of the fact certified by Jay & King had better be left to the channel of the newspapers, & in the private hands in which it now is than for the Presidt. to meddle in it, or give room to a discussion of it in Congress.

E. R. had prepared a draught of the speech. The clause recommending fortifications was left out, but that for a military academy was inserted. I opposed it, as unauthorized by the constitn. H. & K. approved it without discussion. E. R. was for it, saying that the words of the constn authorizing Congress to lay taxes &c. *for the common defence*, might comprehend it. The President said he would not chuse to recommend anything against the constn,

[1] Jay and King had united in a published statement that Genet had threatened to appeal to the people of the U. S. against the action of the executive. Genet denied this in the newspapers, and wrote to the Attorney-General requesting him to prosecute them, which the latter declined to do.

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but if it was *doubtful*, he was so impressed with the necessity of this measure, that he would refer it to Congress, & let them decide for themselves whether the constn authorized it or not. It was therefore left in. I was happy to see that R. had, by accident, used the expression "our republic" in the speech. The President however made no objection to it, and so as much as it had disconcerted him on a former occasion with me, it was now put into his own mouth to be pronounced to the two houses of legislature.

No material alterations were proposed or made in any part of the draught.

After dinner, I produced the draught of messages on the subject of France & England, proposing that that relative to Spain should be subsequent & secret.

H. objected to the draught *in toto*. Said that the contrast drawn between the conduct of France & England amounted to a decln of war. He denied that Fr. had ever done us favors, that it was mean for a nation to acknolege favors, that the dispositions of the people of this country towards France he considered as a serious calamity, that the Executive ought not by an echo of this language to nourish that disposn in the people. That the offers in commerce made us by France were the offspring of the moment, of circumstances which wd. not last, & it was wrong to receive as permanent, things merely temporary. That he could demonstrate that Gr. Br. shewed us more favors than France. In complaisance to him I whittled down the expressions without opposition, struck out that of "favors antient &

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recent" from France, softened some terms & omitted some sentiments respecting Gr. Br. He still was against the whole, but insisted that at any rate it should be a secret communication, because the matters it stated were still depending. These were 1. the inexecution of the treaty, 2. the restraining our corn commerce to their own ports & those of their friends. Knox joined Hamilton in everything. Randolph was for the communications, that the documents respecting the 1st, should be given in as public, but that those respecting the 2d. should not be given to the legislature at all but kept secret. I began to tremble now for the whole, lest all should be kept secret. I urged especially the duty now incumbent on the Presidt. to lay before the legislature & the public what had passed on the inexecution of the treaty, since Mr. Hammond's answer of this month might be considered as the last we should ever have; that therefore it could no longer be considered as a negotiation pending. I urged that the documents respecting the stopping our corn ought also to go, but insisted that if it should be thot better to withhold them, the restriction should not go to those respecting the treaty: that neither of these subjects was more in a state of *pendency* than the recall of Mr. Genet, on which nevertheless no scruples had been expressed. The Presidt. took up the subject with more vehemence than I have seen him shew, and decided without reserve that not only what had passed on the inexecution of the treaty should go in as public (in which H. & K. had divided in opinion from R. & myself) but also that those respecting the

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stopping our corn should go in as public (wherein H. K. & Randolph had been against me) This was the first instance I had seen of his deciding on the opn of one against that of three others, which proved his own to have been very strong.

Dec. 1. 93. Beckly tells me he had the following fact from Lear. Langdon, Cabot, & some others of the Senate, standing in a knot before the fire after the Senate had adjourned, & growling together about some measure which they had just lost, "Ah! said Cabot, things will never go right till you have a President for life and an hereditary Senate." Langdon told this to Lear, who mentioned it to the President. The Presidt. seemed struck with it & declared he had not supposed there was a man in the U S. who could have entertained such an idea.[1]

March the 2d, 1797. I arrived at Philadelphia to qualify as Vice-President, and called instantly on Mr. Adams, who lodged at Francis's, in Fourth street. The next morning he returned my visit at Mr. Madison's, where I lodged. He found me alone in my room, and shutting the door himself, he said he was glad to find me alone, for that he wished a free conversation with me. He entered immediately on an explanation of the situation of our affairs with France, and the danger of rupture with that nation, a rupture which would convulse the attachments of this country; that he was impressed

[1] Jefferson retired from the Cabinet January 1, 1794, and remained in retirement at Monticello till elected Vice-President in 1797.

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with the necessity of an immediate mission to the Directory; that it would have been the first wish of his heart to have got me to go there, but that he supposed it was out of the question, as it did not seem justifiable for him to send away the person destined to take his place in case of accident to himself, nor decent to remove from competition one who was a rival in the public favor. That he had, therefore, concluded to send a mission, which, by its dignity, should satisfy France, and by its selection from the three great divisions of the continent, should satisfy all parts of the United States; in short, that he had determined to join Gerry and Madison to Pinckney, and he wished me to consult Mr. Madison for him. I told him that as to myself, I concurred in the opinion of the impropriety of my leaving the post assigned me, and that my inclinations, moreover, would never permit me to cross the Atlantic again; that I would, as he desired, consult Mr. Madison, but I feared it was desperate, as he had refused that mission on my leaving it, in General Washington's time, though it was kept open a twelvemonth for him. He said that if Mr. Madison should refuse, he would still appoint him, and leave the responsibility on him. I consulted Mr. Madison, who declined as I expected. I think it was on Monday the 6th of March, Mr. Adams and myself met at dinner at General Washington's, and we happened, in the evening, to rise from table and come away together As soon as we got into the street, I told him the event of my negotiation with Mr. Madison. He immediately said, that, on consultation, some objections to that

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nomination had been raised which he had not contemplated; and was going on with excuses which evidently embarrassed him, when we came to Fifth street, where our road separated, his being down Market street, mine off along Fifth, and we took leave; and he never after that said one word to me on the subject, or ever consulted me as to any measures of the government. The opinion I formed at the time on this transaction, was, that Mr. Adams, in the first moments of the enthusiasm of the occasion, (his inauguration,) forgot party sentiments, and as he never acted on any system, but was always governed by the feeling of the moment, he thought, for a moment, to steer impartially between the parties; that Monday, the 6th of March, being the first time he had met his cabinet, on expressing ideas of this kind, he had been at once diverted from them, and returned to his former party views.

July, 1797. Murray is rewarded for his services by an appointment to Amsterdam; W. Smith of Charleston, to Lisbon.

August the 24th. About the time of the British treaty, Hamilton and Talleyrand, bishop of Autun, dined together, and Hamilton drank freely. Conversing on the treaty, Talleyrand says, "mais vraiment, Monsieur Hamilton, ce n'est pas *bien honnete*, after making the Senate ratify the treaty, to advise the President to reject it." "The treaty," says Hamilton, "is an execrable one, and Jay was an old woman for making it; but the whole credit of saving

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us from it must be given to the President." After circumstances had led to a conclusion that the President also must ratify it, he said to the same Talleyrand, "though the treaty is a most execrable one, yet when once we have come to a determination on it, we must carry it through thick and thin, right or wrong." Talleyrand told this to Volney, who told it to me.

There is a letter now appearing in the papers, from Pickering to Monroe, dated July the 24th, 1797, which I am satisfied is written by Hamilton. He was in Philadelphia at that time.

Oct. 13. 97. Littlepage, who has been on one or two missions from Poland to Spain, told that when Gardoqui returned from America, he settled with his court an account of secret service money of 600,000 dollars. Ex relatione Colo. Munroe.

1797. Dec. 26. Langdon tells me that at the 2d election of Pr. & V. P. of U S. when there was a considble vote given to Clinton in opposn to Mr. Adams, he took occasion to remark it in conversn in the Senate chamber with Mr. A. who gritting his teeth said "Damn 'em Damn 'em Damn 'em you see that an elective govmt will not do." He also tells me that Mr. A. in a late conversn said "Republicanism must be disgraced, Sir." The Chevr. Yruho [1] called on him at Braintree, and conversing on French affairs, and Yruho expressing his belief of their stability, in opposn to Mr. Adams's, the latter lifting up &

[1] Yrujo, the Spanish Minister.

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shaking his finger at him said "I 'll tell you what, the French republic will not last 3. months." This I had from Yruho.

Harper lately in a large company was saying that the best thing the friends of the French could do was to pray for the restoration of their monarch. Then says a bystander "the best thing we could do I suppose would be to pray for the establishmt of a monarch in the U S." "Our people says Harper are not yet ripe for it, but it is the best thing we can come to & we shall come to it." Something like this was said in presence of Findlay.[1]

27. Tenche Coxe tells me that a little before Hamilton went out of office, or just as he was going out, taking with him his last conversn, and among other things, on the subject of their differences, "for my part, says he, I avow myself a Monarchist; I have no objection to a trial being made of this thing of a republic, but &c.

1798. Jan. 5. I receive a very remarkable fact indeed in our history from Baldwin & Skinner. Before the establishment of our present government a very extensive combination had taken place in N. York & the Eastern states among that description of people who were partly monarchical in principle or frightened with Shay's rebellion & the impotence of the old Congress. Delegates in different places had actually had consultations on the subject of seizing on the powers of a government & establishing them

[1] 1798. Mar. He now denies it in the public papers tho it can be proved by several members.—*T. J.*

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by force, had corresponded with one another, and had sent a deputy to Genl. Washington to solicit his co-operation. He calculated too well to join them. The new Convention was in the meantime proposed by Virginia & appointed. These people believed it impossible the states should ever agree on a government, as this must include the impost and all the other powers which the states had a thousand times refused to the general authority. They therefore let the proposed convention go on, not doubting its failure, & confiding that on its failure would be a still more favorable moment for their enterprise. They therefore wished it to fail, & especially when Hamilton their leader brought forward his plan of govmt, failed entirely in carrying it & retired in disgust from the Convention. His associates then took every method to prevent any form of govmt being agreed to. But the well intentioned never ceased trying first one thing then another till they could get something agreed to. The final passage & adoption of the constitution completely defeated the views of the combination, and saved us from an attempt to establish a govmt over us by force. This fact throws a blaze of light on the conduct of several members from N. Y. & the Eastern states in the Convention of Annapolis & the grand convention. At that of Annapolis several Eastern members most vehemently opposed Madison's proposition for a more general convention with more general powers. They wished things to get more & more into confusion to justify the violent measure they proposed. The idea of establishing a govmt by reasoning &

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agreemt they publicly ridiculed as an Utopian project, visionary & unexampled.

One of the Secretaries [says?] that a resolution was formed to give no office to any person who did not approve of the proceedings of the Executive, and that it was determined to recall Monroe whose conduct was not consonant with the views of the Executive. Davy said they expressed very hostile dispositions towards France, and he wished Logan to apprise Adet of it, who he observed was a good kind of man, ought to know it, & to put his government on their guard.

Feb. 6. Mr. Baldwin tells me that in a conversn yesterday with Goodhue, on the state of our affairs, Goodhue said "I 'll tell you what, I have made up my mind on this subject; I would rather the old ship should go down than not;" (meaning the union of the states.) Mr. Hillhouse coming up, well says Mr. Baldwin I 'll tell my old friend Hillhouse what you say," & he told him "well, says Goodhue I repeat that I would rather the old ship should go down, if we are to be always kept pumping so." "Mr. Hillhouse, says Baldwin, you remember when we were learning logic together at school, there was the case *categorical* & the case *hypothetical*. Mr. Goodhue stated it to me first as the case categorical. I am glad to see that he now changes it to the case hypothetical, by adding 'if we are always to be kept pumping so.' Baldwin went on then to remind Goodhue what an advocate he had been for our tonnage duty (wanting to make it 1 Doll. instead of

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50. cents,) and how impatiently he bore the delays of Congress in proceeding to retaliate on Gr. Br. before Mr. Madison's proposns came on; Goodhue acknowledged that his opinions had changed since that.

Feb. 15. 98. I dined this day with Mr. Adams, (the Presidt.) The company was large. After dinner I was sitting next to him, & our conversn was first on the enormous price of labor,[1] house rent, & other things. We both concurred in ascribing it chiefly to the floods of bank paper now afloat, and in condemning those institns. We then got on the constitn & in the course of our conversn he said, that no republic could ever last which had not a Senate, & a Senate deeply & strongly rooted, strong enough to bear up against all popular storms & passions. That he thought our Senate as well constituted as it could have been, being chosen by the legislatures, for if these could not support them he did not know That could do it, that perhaps it might have been as well for them to be chosen by the state at large, as that would insure a choice of distinguished men, since none but such could be known to a whole people; that the only fault in our Senate was that it was not durable enough, that hitherto it had behaved very well, however he was afraid they would give way in the end. That as to trusting to a popular assembly for the preservn of our liberties it was the merest chimera imaginable, they never had any rule of

[1] He observed, that 8. or 10. years ago he gave only 50 D. to a common labourer for his farm, finding him food & lodging. Now he gives 150 D. and even 200 D. to one.—*T. J.*

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decision but their own will, that he would as lieve be again in the hands of our old committees of safety who made the law & executed it at the same time, that it had been observed by some writer (I forget whom he named) that anarchy did more mischief in one night than tyranny in an age, and that in modern times we might say with truth that in France, anarchy had done more harm in one night than all the despotism of their kings had ever done in 20. or 30. years'. The point in which he views our Senate, as the Colossus of the constitn serves as a key to the politics of the Senate, who are two thirds of them in his sentiments, and accounts for the bold line of conduct they pursue.

Mar. 1. Mr. Tazewell tells me that when the appropriations for the British treaty were on the carpet and very uncertain in the lower house, there being at that time a number of bills in the hands of Commees of the Senate, none reported, & the Senate idle for want of them, he, in his place, called on the commees to report, and particularly on Mr. King, who was of most of them. King said that it was true the commes kept back their reports waiting the event of the question about appropriation: that if that was not carried, they considered legislation as at an end, that they might as well break up & consider the Union as dissolved. Tazewell expressed his astonmt at these ideas & called on King to know if he had misapprehended him. King rose again & repeated the same words. The next day Cabot took an occasion in debate, & so awkward a one as to shew

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it was a thing agreed to be done, to repeat the same sentiments in stronger terms, and carried further by declaring a determination on their side to break up and dissolve the govmt.

Mar. 11. In conversn with Baldwin & Brown of Kentucky, Brown says that in a private company once consisting of Hamilton, King, Madison, himself & some one else making a fifth, speaking of the "*federal government*" "Oh! says Hamilton "say the *federal monarchy;* let us call things by their right names, for a monarchy it is."

Baldwin mentions at table the following fact. When the bank bill was under discussion in the H. of R. judge Wilson came in, & was standing by Baldwin. Baldwin reminded him of the following fact which passed in the grand convention. Among the enumerated powers given to Congress was one to erect corpons. It was on debate struck out. Several particular powers were then proposed. Among others Rob. Morris proposed to give Congress a power to establish a National bank. Gouvernr. Morris opposed it, observing that it was extremely doubtful whether the constn they were framing could ever be passed at all by the people of America, that to give it its best chance however, they should make it as palatable as possible, & put nothing into it not very essential which might raise up enemies. That his colleague (Rob. Morris) well knew that "a bank" was in their state (Pensve) the very watch word of party. That a *bank* had been the great bone of contention between the two parties of the state

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from the establmt of their constn, having been erected, put down & erected again as either party preponderated; that therefore to insert this power, would instantly enlist against the whole instrument the whole of the anti-bank party in Pensve, whereupon it was rejected, as was every other special power except that of giving copy-rights to authors & patents to inventors. the general power of incorporating being whittled down to this shred. Wilson agreed to the fact.

Mr. Hunter of S. Carola who lodges with Rutledge tells me that Rutledge (J. Rutledge junr.) was explaining to him the plan they proposed to pursue as to war measures when Otis came in. Rutledge addressed Otis. Now sir says he you must come forward with something liberal for the Southern states, fortify their harbours & build gallies, in order to obtain their concurrence. Otis said we insist on convoys for our European trade, & *guarda costas*, on which condn alone we will give them gallies & fortificns. Rutledge observed that in the event of war McHenry & Pickering must go out, Wolcott he thought might remain, but the others were incapable of conducting a war. Otis said the Eastern people would never abandon Pickering, he must be retained, McHenry might go. They considered together whether Genl. Pinckney wd. accept the office of Secy. of war. They apprehended he would not. It was agreed in this conversn that Sewall had more the ear of the President than any other person.

Mar. 12. When the bill for appropriations was

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before the Senate, Anderson moved to strike out a clause recognizing (by way of appropriation) the appmt of a commee by the H. of R. to sit during their recess to collect evidence on Blount's case, denying they had power, but by a law, to authorize a commee to sit during recess. Tracy advocated the motion & said "we may as well speak out. The commee was appointed by the H. of R. to take care of the Brit. minister, to take care of the Span. min. to take care of the Sec. of state, in short to take care of the Pres. of the U S. They were afraid the Pres. & Secy. of state wd. not perform the office of collecting evidence faithfully, that there would be collusion &c. Therefore the House appointed a commee of their own. We shall have them next sending a commee to Europe to make a treaty &c. Suppose that the H. of R. should resolve that after the adjmt of Congress they should continue to sit as a commee of the whole house during the whole recess." This shows how the appointment of that committee has been viewed by the President's friends.

Apr. 5. Dr. Rush tells me he had it from Mrs. Adams that not a scrip of a pen has passed between the late & present Presidt. since he came into office.

Apr. 13. New instructions of the British govmt to their armed ships now appear which clearly infringe their treaty with us, by authorizing them to take our vessels carrying produce of the French colonies from those colonies to Europe, & to *take* vessels bound to a blockaded port. See them in Brown's paper, of Apr. 18. in due form.

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The Presidt, has sent a govmt brig to France, probably to carry despatches. He has chosen as the bearer of these one Humphreys, the son of a ship carpenter ignorant under age, not speaking a word of French, most abusive of that nation whose only merit is the having mobbed & beaten Bache on board the frigate built here, for which he was indicted & punished by fine.

Apr. 25. At a dinner given by the bar to the Federal judges, Chase & Peters, present about 24. lawyers and Wm. Tilghman in the chair, this toast was given "Our *King* in old England." Observe the double *entendre* on the word King. Du Ponceau who was one of the bar, present, told this to Tenche Coxe who told me in presence of H. Tazewell. Dallas was at the dinner; so was Colo. Charles Sims of Alexandria, who is here on a lawsuit *v.* genl. Irving.

May 3. The Presidt. some time ago appd Steele of Virga a Commr. to the Indians, & now Secretary of the Mississippi Territory. Steele was a Counsellor of Virga, and was voted out by the assembly because he turned tory. He then offered for Congress & was rejected by the people. Then offered for the Senate of Virga & was rejected. The Presidt. has also appd. Joseph Hopkinson Commr. to make a treaty with the Oneida Indns. He is a youth of about 22. or 23. and has no other merit than extreme toryism, & the having made a poor song to the tune of the President's March.[1]

[1] This was "Hail Columbia."

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1799. Jan. In a conversation with Dr. Ewen, who told the Presidt. one of his sons was an aristocrat the other a Democrat. The P. asked if it was not the youngest who was the Democrat. "Yes, said Ewen. Well said the Presidt. a boy of 15. who is not a democrat is good for nothing, & he is no better who is a democrat at 20. Ewen told Hurt, and Hurt told me.

Jan. 14. Logan tells me that in his conversation with Pickering on his arrival, the latter abused Gerry very much, said he was a traitor to his country & had deserted the post to which he was appointed; that the French temporized at first with Pinckney but found him too much of a man for their purpose. Logan observing that notwithstandg. the pacific declarns of France, it might still be well to keep up the military ardor of our citizens & to have the militia in good order, "the militia, said P. "the militia never did any good to this country except in the single affair of Bunker hill; that we must have a standing army of 50.000 men, which being stationed in different parts of the continent might serve as rallying points for the militia, & so render them of some service."—In his conversation with Mr. Adams, Logan mentioned the willingness of the French to treat with Gerry, "and do you know why," said Mr. A. "Why, sir?" said L. "Because said Mr. A. they know him to have been an Anti-federalist against the constn."

1800. Jan. 2. Information from Tenche Coxe. Mr. Liston had sent 2. letters to the Govr. of Canada

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by one Sweezy. He had sent copies of them together with a third (original) by one Cribs. Sweezy was arrested (being an old horse thief) and his papers examd. T. Coxe had a sight of them. As soon as a rumor got out that there were letters of Mr. Liston disclosed, but no particulars yet mentioned, Mr. Liston, suspecting that *Cribs* had betrayed him, thought it best to bring all his *three* letters & lay them before Pickering, Secy. of state. Pickering thot them all very innocent. In his office they were seen by a Mr. Hodgden of N. Jersey, Commissy. of military stores, and the intimate friend of Pickering. It happens that there is some land partnership between Pickering, Hodgden & Coxe, so that the latter is freely & intimately visited by Hodgden, who moreover speaks freely with him on Political subjects. They were talking the news of the day, when Mr. Coxe observd. that these intercepted lres of Liston were serious things (nothing being yet out but a general rumor). Hodgden asked which he thought the most serious. Coxe said the 2d. (for he knew yet of no other) H. said he thot little of any of them, but that the 3d. was the most exceptionable. This struck Coxe who not betraying his ignorance of a 3d. lre, asked generally what part of that he alluded to. Hodgden said to that wherein he *assured the Govr. of Canada that if the French invaded Canada, an army would be marched from these states to his assistance.* After this it became known that it was Sweezy who was arrested & not Cribs; so that Mr. Liston had made an unnecessary disclosure of his 3d. letter to Mr. Pickering, who however keeps his

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secret for him. In the beginning of the conversn between Hodgden & Coxe, Coxe happened to name *Sweezy* as the bearer of the letters. "That 's not his name, says Hodgden (for he did not know that 2. of the lres had been sent by Sweezy also) "his name is Cribs." This put Coxe on his guard and set him to fishing for the new matter.

Jan. 10. Dr. Rush tells me that he had it from Saml. Lyman that during the X Y Z Congress the Federal members held the largest caucus they have ever had, at which he was present, & the question was proposed & debated whether they should declare war against France, & determined in the negative. Lyman was against it.

He tells me that Mr. Adams told him that when he came on in the fall to Trenton, he was there surrounded constantly by the opponents of the late mission to France. That Hamilton pressing him to delay it, said "why, sir, by Christmas Louis the XVIII. will be seated on his throne"—Mr. A. By whom? H. By the coalition. Mr. A. Ah! then farewell to the independce of Europe. If a coalition moved by the finger of England is to give a government to France, there is an end to the independance of every country.

12. Genl. Sam. Smith says that Pickering, Wolcott & McHenry wrote a joint letter from Trenton to the President then at Braintree, dissuading him from the mission to France. Stoddard refused to join in it. Stoddard says the instructions are such that if

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the Directory have any disposition to reconciliation, a treaty will be made. He observed to him also that Ellsworth looks beyond this mission to the Presidential chair. That with this view he will endeavor to make a treaty & a good one. That Davie has the same vanity & views. All this communicated by Stoddard to S. Smith.

13. Baer & Harrison G. Otis told J. Nicholas that in the caucus mentioned ante 10th. there wanted but 5. votes to produce a declaration of war. Baer was against it.

19. W. C. Nicholas tells me that in a conversn with Dexter 3. or 4. days ago, he asked Dexter whether it would not be practicable for the states to agree on some uniform mode of chusing electors of a President. Dexter says "I suppose you would prefer an election by districts." "Yes, said N. I think it would be best, but would nevertheless agree to any other consistent with the Constn." Dexter said he did not know what might be the opn of his state, but his own was that no mode of *election* would answer any good purpose; that he should prefer one *for life*. "On that reasoning said N. you should prefer an hereditary one." No, he said, we are not ripe for that yet. I suppose added he this doctrine is not very popular with you. No, said N. it would effectually damn any man in my state. So it would in mine said D. but I am under no inducement to bely my sentiment, I have nothing to ask from anybody; I had rather be at home than here; therefore

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I speak my sentiments freely. Mr. Nicholas a little before or after this, made the same proposition of a uniform election to Ross, who replied that he saw no good in any kind of election.

Perhaps, says he, the present one may last awhile. On the whole Mr. N. thinks he perceives in that party a willingness & a wish to let everything go from bad to worse, to amend nothing, in hopes it may bring on confusion and open a door to the kind of govermt. they wish.—In a conversn with Gunn, who goes with them, but thinks in some degree with us, Gunn told him that the very game which the minority of Pennve is now playing with McKean (see substitute of minority in lower house & address of Senate in upper) was meditated by the same party in the Federal govmt in case of the election of a republican President; & that the Eastern states wd. in that case throw things into confusion & break the union. That they have in a great degree got rid of their paper, so as no longer to be creditors, & the moment they cease to enjoy the plunder of the immense appropriations now exclusively theirs, they would aim at some other order of things.

Jan. 24. Mr. Smith, a merchant of Hamburg gives me the following informn. The St. Andrews club of N. York (all of Scotch tories) gave a public dinner lately. Among other guests A. Hamilton was one. After dinner the 1st. toast was the Pres. of the U. S. It was drank without any particular approbation. The next was George the III. Hamilton started up on his feet, & insisted on a bumper &.

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3. cheers. The whole company accordly rose & gave the cheers. One of them, tho' a federalist was so disgusted at the partiality shown by H, to a foreign sovereign over his own President, that he mentioned it to a Mr. Schwarthouse an American mercht. of N. York, who mentioned it to Smith.

Mr. Smith also tells me that calling one evening on Mr. Evans, then Speaker of the H. of Rep. of Pensylve, & asking the news, Evans said Harper had been just there, & speaking of the President's setting out to Braintree said "he prayed to God that his horses might run away with him or some other accident happen to break his neck before he reached Braintree." This was indignation at his having named Murray &c. to negotiate with France. Evans approved of the wish.

Feb. 1. Dr. Rush tells me that he had it from Asa Green that when the clergy addressed Genl. Washington on his departure from the govmt, it was observed in their consultation that he had never on any occasion said a word to the public which showed a belief in the Xn religion and they thot they should so pen their address as to force him at length to declare publicly whether he was a Christian or not. They did so. However he observed the old fox was too cunning for them. He answered every article of their address particularly except that, which he passed over without notice. Rush observes he never did say a word on the subject in any of his public papers except in his valedictory letter to the Governors of the states when he resigned his commission in the army,

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wherein he speaks of the benign influence of the Christian religion.

I know that Gouverneur Morris, who pretended to be in his secrets & believed himself to be so, has often told me that Genl. Washington believed no more of that system than he himself did.

1800. March. Heretical doctrines maintained in Senate. On the motion against the *Aurora*. That there is in every legal body of men a right of self preservation authorizing them to do whatever is necessary for that purpose. By Tracy, Read & Lawrence.

That the common law authorizes the proceeding proposed agt. the *Aurora*, & is in force here. By Read.

That the privileges of Congress are and ought to be indefinite. By Read.

Tracy sais he would not say exactly that the common law of England in all it's extent is in force here: but common sense, reason, & morality, which are the foundations of the common law, are in force here and establish a common law. He held himself so nearly half way between the common law of England and what everybody else has called natural law, & not common law, that he could hold to either the one or the other, as he should find expedient.

Mar. 11. Conversing with Mrs. Adams on the subject of the writers in the newspapers, I took occasion to mention that I never in my life had directly or indirectly written one sentence for a newspaper,

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which is an absolute truth. She said that Mr. Adams she believed had pretty well ceased to meddle in the newspapers since he closed the pieces on *Davila*. This is the first direct avowal of that work to be his, tho' long & universally understood to be so.

Mr. Douse of Dedham in Massachusetts, of which town Fisher Ames is, corrects information I had formerly received of the very great fortune made by Ames by speculating in the funds. He believes he did a great deal for his friends Gore & Mason; but that his own capital was so small that he could not do much for himself. He supposes him worth at present about 30,000 Doll. some of which, he doubts not, was made while in the legislature, by speculation; but that he has a practice at the bar worth about 1000.£. a year lawful, & living frugally he lays by some of that. A great deal of his capital has been absorbed by building a very elegant house. He says he is a man of the most irritable & furious temper in the world; a strong monarchist.

Mar. 11. The jury bill before the Senate. Mr. Read says that if from any circumstances of inaptitude the marshall cannot appoint a jury analogously with the state juries, the common law steps in & he may name them according to that. And Mar. 12. Same bill. Mr. Chipman speaking of the case of Vermont where a particular mode of naming jurors was in force under a former law of that State, when the law of the U S. passed declaring that juries shall be appointed in their courts in the several states in the mode "now" in use in the same state. Ver-

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mont has since altered their mode of naming them. Mr. Chipman admits the federal courts cannot adopt the new mode, but in that case he says their marshal may name them according to the rules of the common law. Now observe that that is a part of the common law which Vermont had never adopted, but on the contrary had made a law of their own, better suited to their circumstances.

Mar. 14. Freneau in Charleston had the printing of the laws in his paper. He printed a pamphlet of Pinckney's lres on Robbins' case. Pickering has given the printing of the laws to the tory paper of that place, tho' not of half the circulation. The printing amounted to about 100. D. a year.

Mar. 19, Same subject. Dexter maintained that the com. law as to crimes is in force in the courts of the U S.

Chipman says that the principles of com. right are common law. And he says the com. l. of England is in force here. There being no law in Vermont for appointing juries which the marshal can follow, he sais he may appoint them as provided by the com. l. of England tho' that part of the com. l. was never adopted in Vermont.

Mar. 21. Mr. John Marshall has said here that had he not been appointed minister to France he was desperate in his affairs, and must have sold his estate & that immediately. That that appointment was the greatest God-send that could ever have befallen a man. I have this from J. Brown & S. T. Mason.

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Mar. 24. Mr. Perez Morton of Mass. tells me that Thatcher, on his return from the war-Congress, declared to him he had been for a decln of war against France, & many others also; but that on counting noses they found they could not carry it, & therefore did not attempt it.

Mar. 27. Judge Breckenridge gives me the following informn. He and Mr. Ross were originally very intimate; indeed he says he found him keeping a little Latin school, and advised & aided him in the study of law & brought him forward. After Ross became a Senator and particularly at the time of the Western insurrection they still were in concert. After the British treaty, Ross, on his return, informed him there was a party in the U S. who wanted to overturn the govmt, who were in league with France, that France, by a secret article of treaty with Spain was to have Louisiana; and that Gr. Brit. was likely to be our best friend & dependce. On this informn he Breckenridge was induced to become an advocate for the British treaty. During this intimacy with Ross he says that Genl. Collot in his journey to the Western country called on him, & frequently that he led Breckenridge into conversns on their grievances under the govmt & particularly the Western expedn, that he spoke to him of the advges that country would have in joining France when she should hold Louisiana, showed him a map he had drawn of that part of the country, pointed out the passes in the mountain & the facility with which they might hold them against the U S. & with

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which France could support them from N. Orleans. He says that in these conversns Collot let himself out without common prudence. He says Michaud (to whom I at the request of Genet, had given a letter of introduction to the Govr. of Kentucky as a botanist, which was his real profession) called on him; that Michaud had a commissary's commission for the expedn which Genet had planned from that quarter against the Spaniards; that —— the late Spanish commandant of St. Genevieve with one Powers an Englishman called on him. That from all these circumstances together with Ross's stories he did believe that there was a conspiracy to deliver our country or some part of it at least to the French, that he made notes of what passed between himself & Collot and the others, and lent them to Mr. Ross, who gave them to the President by whom they were deposited in the office of the board of war. That when he complained to Ross of this breach of confidence, he endeavored to get off by compliments on the utility & importance of his notes. They now cooled towards each other, & his opposn, to Ross's election as governor has separated them in truth tho' not entirely to appearance.

Dr. Rush tells me that within a few days he has heard a member of Congress lament our separation from Gr. Brit. & express his sincere wishes that we were again dependant on her.

1800. Apr. 29. Jury bill under considn.

Mr. Dexter & Hillhouse & Mr. Read insisted in the fullest and most explicit terms that the common law

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of England is in force in these states and may be the rule of adjudication in all cases where the laws of the U S. have made no provision.

Mr. Livermore seemed to urge the same, tho' he seemed to think that in *criminal* cases it might be necessary to adopt by an express law.

Mr. Tracy was more reserved on this occasion. He only said that Congress might by a law adopt the provisions of the common law on any subject, by a reference to that, without detailing the particulars; as in this bill it was proposed that the marshals should summon juries "accdg to the practice of the Common law."

1800, Dec. 23.—Majr. Wm. Munson, bearer of the Connecticut votes, recommdd. by Pierre. Edwards as a good Whig, he is surveyor of the of New haven, was a good officer in the revolutionary war.

He says that about a twelvemonth ago the Marshal of that state turned out his deputy Marshal because he summoned some republicans on the grand Jury. It seems the Marshal summons the juries for the Fedl. courts.

See a lre from Govr. McKean on the conduct of Genl. Hand, Robert Coleman, & Henry Miller supervisors for Pensylve while their legislature were on the appointmt of Electors.

Doctr. Jarvis of Boston is a man of abilities, a firm Whig, but passionate, hot-headed obstinate & impliant.

Doctr. Eustace [1] is of equal abilities, amiable &

[1] Eustis.

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almost too accomodating was once rather a trimmer, & was forced by the Feds. to become decided against them. Ex relat. Baldwin.

Colo. Hitchburn's acct is different, that Eustis is superficial & Jarvis compleatly profound.

N. Hampsh. Sherburne an able lawyer republican & honest.

S. Carola. There is a Ramsay, son of Dr. Ramsay, a judge of a state court, a good lawyer, of excellent private character, eminent abilities, much esteemed & *republican*. His character from Genl. Sumpter. The father is also a republican,

Hamilton & Doyley of S. Carola, attached to the state treasury, good republicans.

Brockhurst Livingston, very able, but ill-tempered, selfish, unpopular.

Dewitt Clinton, very able, good, rich and lazy very firm, does not follow any profession. Married Osgood's daughter in law.

Thos. Sumter, son of Genl. Sumter, S. Caroline. A man of solid understanding. Writes correctly. Seems discreet & virtuous, follows no profession.

Harrison, of Carlisle. Genl. Hanna tells me he is as able a lawyer as any in Pensva, & a zealous republican.

Mar. 10. Woodbury Langdon proposes the following changes.

Lylley (?) The present Marshal to be removed a violent, inveterate tory, appointed by the influence of Rogers, former Marshal, has lately appointed a high toned federalist for his deputy.

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William Simmonds recommended in his place by John & Woodb. Langdon.

Rogers the Supervisor to be removed, he was a violent Revolutionary tory, he was the ringleader of the 16 towns on Connecticut river who were prevailed on to join Vermont in going over to the British, he has spent half of his time in electioneering activity. Still mounts & glories in an enormas cockade

Nathanl. Folsome to be naval officer vice Edwd. St. Loe. Livermore.

1800. Dec. 25. Colo. Hitchburn thinks Dr. Eustis' talents specious and pleasing, but not profound. He thinks Jarvis more solid. He tells me what Colo. Monroe had before told me of, as coming from Hitchburn. He was giving me the characters of persons in Massachusetts. Speaking of Lowell,[1] he said he was in the beginning of the revolution a timid whig, but, as soon as he found we were likely to prevail he became a great office hunter. And in the very breath of speaking of Lowell, he stopped, says he I will give you a piece of informn which I do not venture to speak of to others. There was a Mr. Hale in Mass. A reputable worthy man who becoming a little embarrassed in his affairs, I aided him, which made him very friendly to me. He went to Canada on some business. The governor there took great notice of him. On his return he took occasion to mention to me that he was authorized by the govr. of Canada to give from 3 to

[1] John.

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5,000 guineas each to himself & some others, to induce them, not to do anything to the injury of their country, but to befriend a good connection between England & it. Hitchburn said he would think of it, and asked Hale to come & dine with him to-morrow. After dinner he drew Hale fully out; he told him he had his doubts, but particularly that he should not like to be alone in such a business. On that Hale named to him 4. others who were to be engaged, two of whom said Hitchburn are now dead and two living. Hitchburn, when he had got all he wanted out of Hale, declined in a friendly way. But he observed those 4. men from that moment to espouse the interests of Engld. in every point & on every occasion. Tho' he did not name the men to me, yet as the speaking of Lowell was what brought into his head to tell me this anecdote, I concluded he was one. From other circumstances respecting Stephen Higginson of whom he spoke, I conjectured him to be the other living one.

Dec. 26. In another conversn I mentioned to Colo. Hitchburn that tho' he had not named names, I had strongly suspected Higginson to be one of Hale's men. He smiled & said if I had strongly suspected any man wrongfully from his information he would undeceive me; that there were no persons he thought more strongly to be suspected himself than Higginson & Lowell. I considered this as saying they were the men. Higginson is employed in an important business about our navy.

1801. Feb. 12. Edwd. Livingston tells me that

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Bayard applied to day or last night to Genl. Saml. Smith & represented to him the expediency of his coming over to the states who vote for Burr, that there was nothing in the way of appointmt. which he might not command, & particularly mentioned the Secretaryship of the navy. Smith asked him if he was authorized to make the offer. He said he was authorized. Smith told this to Livingston & to W. C. Nicholas who confirms it to me. Bayard in like manner tempted Livingston, not by offering any particular office, but by representing to him his L.'s intimacy & connection with Burr, that from him he had everything to expect if he would come over to him. To Dr. Linn of N. Jersey they have offered the government of N. Jersey. See a paragraph in Martin's Baltimore paper of Feb. 10 signed a LOOKER ON, stating an intimacy of views between Harper & Burr.

Feb. 14. Genl. Armstrong tells me that Gouvernr. Morris in conversation with him to-day on the scene which is passing expressd himself thus. How comes it, sais he, that Burr who is 400. miles off (at Albany) has agents here at work with great activity, while Mr. Jefferson, who is on the spot, does nothing? This explains the ambiguous conduct of himself & his nephew Lewis Morris, and that they were holding themselves free for a prize; *i. e.* some office, either to the uncle or nephew.

Feb. 16. See in the Wilmington Mirtor of Feb. 14. Mr. Bayard's elaborate argument to prove that the common law, as modified by the laws of the respec-

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tive states at the epoch of the ratificn of the constn, attached to the courts of the U S.

Mar. 8, 1801.

N. H. Restore Whipple & Gardner, Collector, & commr. of loans.

Change no other except the recent. Livermore, Naval Officer, to be removd. by & by, & George Wentworth to be put in his place.

Mass. Change only the new District Atty. viz George Blake for Otis.

Maine. Parker, Marshal, to be removed by & by, a very violent & influential & industrious fed. put in not very fairly.

Davis the Atty is expected to resign, & Silas Lee must be put in his place.

John Lee, Collector of Penobscot, bror of Silas, a refugee, a royalist, & very violent.

To be removed when we appoint his brother Atty.

Conn. Mr. Lincoln to consult Edwards Jr. as to removing Goodrich.[1]

Vermont.—Marshal & atty to be removd. immedly. John Williard of Addison County to be Marshal. Fay rather approvd. for Atty.

New York.—Postponed

Jersey.—Propose to Linn to accept Atty's. place Vice Frelinghuysen. Mr Gallatin will write.

Oliver Barnet to be Marshal when Lowry resigns.

Turn out the tory collector, an atrocious anpointment.

[1] This was the removal which led to such criticism.

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Pensve. Hall to be removd. Shee to be appointed. No. see Bukley. George Reinhart to be keeper of public stores vice Harris.

Genl. William Irvine to be superintendt Military stores vice Hodgson.

Peter Muhlenbg supervisor vice Genl. Henry Miller, but not till after May.

Dallas Atty of E. distr.

Hamilton do. of W. distr.

Presley Carr Lane Marsh. W. distr. vice Barclay new appoint.

Delaware.—The Collector Mclane to be retained. Enquire as to Marshal & collector.

Maryland.—Hopkins, Marshal to be removd. & Reuben Etting to be appd.

Also Zeb. Hollingsworth, & John Scott to be appd.

Virginia. D. Randolph to be removd. Scott to be appd.

S. C. Adopt. C. Pinckney's nominations, but take time till after session Congress 1801–2.

Georgia.—Only the collector to be questd. Supposed. a delinquent. Richard Wyley to be in his place, he is now loan officer.

Kentucky. Colo. Joseph Crocket vice McDowell as Marshal, but wait proofs of extortion.

General rule. Remove no collectors till called on for acct. that as many may be removed as defaulters as are such.

Present Gallatin Dearborn, Lincoln.

Mar. 8—On application from an old Col. Wafford presented by Mr. Baldwin, he was settled near the

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Cherokee line, but supposed on our side, on running it however he was left on their side, some other families in the same situation: approved of Genl. Dearborn's writing to Hawkins to negotiate for their quiet, and that we will within 2. or 3. months take up the subject & give him final instrns.

[Mar.] 9.—Prosecutions under Sedition law. Remit the fines & enter Nolle proseque in the prosecution depending under that law, to wit Callendar & Brown are in exn. Duane & under prosecr.

Present as before.

Mr. Lincoln to consult Edwd. Granger Kirby Walcot as to Goodrich's commn.

Dawson to have 6 Dol. a day.

2 frigates to cruise in W. Indies, 2 in Miditerreann. 2 at Isle of Boubon.

Sign the duty proposd. by Commrs. of Washn. continuing permission to build houses in certain forms.

May 15, 1801. Shall the squadron now at Norfolk be ordered to cruise in the Mediterranean. What shall be the object of the cruise.

Lincoln. Our men of war may repel an attack on individual vessels, but after the repulse, may not proceed to destroy the enemy's vessels generally

Gallatin. To declare war & to make war is synonimous. The exve can not put us in a state of war, but if we be put into that state either by the decree of Congress or of the other nation,

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the command & direction of the public force then belongs to the exve.

Smith. If a nation commences war, the exve. is bound to apply the public force to defend the country.

Dearborne. The expedition should go forward openly to protect our commerce against the threatened hostilities of Tripoli.

Madison.—That the cruise ot to be undertaken, & the object openly declared to every nation. All concur in the expediency of cruise.

Whether the Captains may be authorized, if war exists, to search for and destroy the enemy's vessels wherever they can find them? all except Mr. L. agree they should; M. G. & S. think they may *pursue* into the harbours, but M. that they may not *enter* but in pursuit.

A letter to the Bey of Tripoli by the President *send a years* tribute in form of stores by a ship. Send 30,000 D. by frigats on the idea that the commutn of stores to Money has bn. settled.

May 16. Murder commd. by Moorhead & Little, British subjects on a person within the limits of the U. S.

The case of Govr. Pinckney & Queseda is quoted. Also the demand by Mr. Liston of Secretary Pickering contra.

Unanimous not to demand the accessories to the murder.

But the murderers to be demanded.

Govr. Serjeant not to be reappointed—unanimous.

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May 17. Treaty proposed with Cherokees. Agreed unanimously.

Object. 1. To obtain the lands between Sumner & Mero district offering as far as an annuity, of 1000. D. and a sum in gross not exceeding 5,000. D.

2. If not obtainable, then buy all the accomodns. on the road between the two districts at such sum in gross as the Commrs. think fit.

To treat with Chickasaws. 1. To buy their lands north of Kentucky boundary.

2. To obtain road & houses of accomodn for travellers from Tennissee towds. Natchez, but if treaties for the lands is offensive to Chickesaws then confine their proposn. to the road. Price discretionary in Commrs.

To treat with Choctaws for road, price discretionary. They also to fix on the 3. trading posts resirved in our former treaties to treat with the Creeks. 1. For the purchase of the Talassee county.

2. For the fork of Oakmulgee & Owney, but all instrn. & further dicesion as to this to be postponed till we take up the Treaty with Georgia, a letter to be written to the Georgia commrs to know if they will cede the Misn. territory in exchange for Talassee & Oakmulgee fork.

Davie, Wilkinson & Hawkins.

Suppress the Missions to the U. Netherlds Portugal & Prussia.

Send none to Denmark.

Removals. All recent to be considd. as mere avenues.

Marshals & Attornies to be removed where federal, except in particular cases.

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N. H. The Marshal tho' a federalist ot not to be removd because of his connections.

Sherburne to be atty vice Livermore.

Maine. Davis to be removed as he will not resign. He is violent.

Mass. Not change the Marshal tho' federal, he is moderate & prudent & will be republican.

R. I. If Barnes accepts commn of Judge. Mr. Lincoln will enquire & recommd. atty. or Judge.

Conn. Enoch Parsons to be Marshal.

Delaware. Hamilton Marshl. to be removed, enquire for substitute.

Read Atty to be contind.

Maryld. Hollingsworth not to be removed till after September.

He is incapable.

Customs,

The Collector Vice John Lee. Wait for further informn.

Saml. Bishop Collector at New haven.

Alexr. Wolcott Collector at Middletown.

N. J. John Hurd to be collector of the port of Amboy vice Bell.

Excise.

Commt. Kirby Vice John Chester.

June 13. At a meeting with the 4 Secretaries at the Secy. of State's office. Unanimously agreed that Mr. King [1] shall be informed that we desire he should conclude the negotiation on the subject of the VIth Article, as he had begun under former orders,

[1] Minister to England.

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for the sum in gross which he has offered, to wit 506m £ sterl. and no more. Afterwds agrd. to 600,000 because King hd offered it.

1801. June 23. Andrew Ellicot tells me that in a conversn last summer with Majr. William Jackson of Philadelphia, on the subject of our intercourse with Spain, Jackson said we had managed our affairs badly, that he himself was the author of the papers against the Spanish minister signed Americanus, that his object was irritation, that he was anxious, if it could have been brought about to have plunged us into a war with Spain, that the people might have been occupied with that, & not with the conduct of the admn & other things they had no business to meddle with.

Oct. 22. Prest. 4 Secretaries. Captains of navy reduced from 15 to 9, by a vote on each man struck off. Those struck off are Mr. Niel of Boston Decatur of Pennsa. Rogers of Maryld. Tingey of Columbia, S. Barron of Virg.[2] Campbell from S. Cara. but a northern man. The retained are Nicholson & Preble of Maryd. Morris & Bainbridge of N. Y. Truxton of Jersey. Barry, Delaware & Murray of Pensve. Jas. Barron of Virge.

A state of the gallies to be called for and be ready for sale at meeting of Congress unless contrary determin.

Spain to be addressed in a firm but friendly tone

[2] On the resignation of Truxton, J. Barron is retained, and on that of Preble, Campbell is retained: he is a S. Carolinian by birth.—*T. J.*

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on the depredns at Algiers. Not to order convoys for our vessels agt. Spain.

Nov. 11. Present the 4. Secretaries. Qu. Shall Rogers be removd in N. Y? Unan. to let lie till Congress.

Qu. Whether we shall proclaim the French treaty or wait and lay it before the Senate? Unan. not to proclaim but to say to Pichon we will go on with the exn.

1802. Jan. 18. Prest. the 4. Secretaries and atty Genl. Agreed to offer peace to Tripoli on est. terms to continue tribute to Algiers to send 2. frigates & schooner immediately. If war with Tripoli continues 2 frigates there constantly & one for relief, 400,000. D. to be appropriated for the whole naval business of the year, including navy yards on which little is to be done, & 500.000 to pay contracts due & becomeing due this year.—Exn of French treaty to be retained by Exve.

1802. Oct. 21. Present the 4. Secretaries. 1. What force shall be left through the winter in the Mediterranean?

2. What negociations, What presents shall be proposed to Marocco?

Anns. 1.—The two largest frigates *President* & *Chesapeake*, the time of whose men is out in December, ought to be called home immediately.

The two best frigates, the *N York* and *John Adams*

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which are smallest also, & the men engaged till Aug. next to remain through the winter, even if peace be made with Tripoli.

The *Adams* whose times are up in April, to remain thro' the winter, or come away accdg. to appearances with Marocco.

Anns. 2. Forbid Simpson to stipulate any presents or paimts. at fixed periods but allow him to go as far as 20,000. D. to obtain a firm establsnt. of the state of peace with Marocco.

Shall the expenses of transporting our abandoned seamen home, by the Consul [?] Lee be paid by us and out of what fund?

Unanimously that it must be paid and out of the Contingent fund of 20.000. D.

1803—Apr. 8. Present 4 Secretaries & Atty Genl.

1—Is there sufficient ground to recall Morris [1] & institute inquiry into his conduct, unanim. not.

2.—Shall Morris be ordd. home in the returng. vessel & leave some other officer to command? Unanim not.

3.—Shall the return of the *Chesapeeke* & *Adams* be countermanded till the 4 small vessels arrive? unanim. not, will be too late.

4.—Shall we buy peace of Tripoli? unan. Yes.

5.—By a sum in gross or a tribute?

Gall. Dearb. Lincoln for both, Mad. Smith for sum in gross & promise of renewing presents at times.

Dearb. 50 and 8,000, Lincoln 30 & 15,000, Mad.

[1] In command of the Mediterranean fleet.

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10 & 5000 with some margin, Gall. 20 & 10, Smith 50 and 10.

Great Britain, if repesg. our rights by France, forces us to overtures to England as an ally, on what conditions?

1.—Not to make a separate peace?
2.—To let her take Louisiana?
3.—Commercial privileges?

All reject the 2d & 3d condns. Dearborne & Lincoln reject the 1st. the others agree to the 1st.

Agreed to instruct our Ministers, as soon as they find that no arrangement can be made with France, to use all possible procrastinations with them and in the meantime enter into conferences with the British Govmt. thro' their ambassador at Paris to fix principles of alliance, and leave us in peace till congress meets, & prevent war till next spring.

May. 7.—Present 4 Secretaries & Atty. Genl.

On the supposition that War between England and France is commenced or whenever it shall commence.

1.—Shall we issue a proclamation of neutrality? Unanimously not. It's object as to our citizens is unnecessary, to wit the informg. them that they are to observe the duties of neutrality, because the late instance is so recent as to be in their minds, as to foreign nations, it will be assuring them of our neutrality without price, whereas France may be will-

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ing to give N. Orleans for it, and England to engage a just & respectful conduct.

2.—Sea letters to be given even on the present apparent probability of war.

3.—Customhouse officers to attend to the having our Seamen furnishd with certif. of citizenship in bona-fide cases.

4.—New Orleans, altho' no specific opinion is asked, because premature till we hear from our Ministers, see the complexion & probable course & duration of the war, yet the opinion seems to be that we must avail ourselves of this war to get it. Whether if negocian. fails we shall take it directly or encourage a decln of independce and then enter into alliance T. We have time enough to consider. We all deprecate Gr. Br's taking possn of it. We all agree we should not commit ourselves by a convention with France, accepting merely our right of deposit, or any improvement of it short of the sovereignty of the island of New Orleans, or a portion sufficient for a town to be located by ourselves.

July 16. Present the 4 Secretaries.

The cession of Louisiana being to be ratified by the 30 Oct. shall Congress be called, or only Senate, & when?

Answer unanimous Congress on the 17th. of October. A Proclamation to issue, a copy to be inclosed to every member in a letter from the Secretary of State mentioning that the call 3. weeks earlier than they had fixed was rendd, necessary by the treaty, and urging a punctual attendance on the 1st. day.

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The substance of the treaty to be made public, but not the treaty itself.

The Secretary of State to write to our Consul at N. Orleans, communicating the substance of the treaty and calling his attention to the public property transferred to us, & to archives, papers & documents relative to domain and sovereignty of Louisiana and its dependancies. If an order should come for immediate possession, direct Govr. Claiborne to go & take possn and act as Governor and Intendant under the Spanish laws, having everything to go on as heretofore, only himself performg. functions of Govr. & Intendt but making no innovation, nor doing a single act which will bear postponing.

Order down 2 or more companies from Ft. Adams & get the Spanish troops off as soon as possible. Write to Livingston & Monroe, approving their having treated for Louisiana & the price given, and to say we know of no reason to doubt ratification of the whole. Mr. Gallatin disapproves of this last as committing ourselves or the Congress. All the other points unanimous.—

Edward Livingston to be removed from the Office of Attorney for the U. S. in New York for malversation.

Mr. Madison not present at this last determination.

Monroe to be instructed to endeavor to purchase both Floridas if he can, West if he cannot East at the prices before agreed on, but if neither can be procured then to stipulate a plenary right to use all the rivers rising within our limits & passing through theirs. If he should not be gone to Madrid leave it discretionary

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in him to go there, or to London or to stay at Paris as circumstances shall appear to him to require. We are more indifferent about pressing the purchase of the Floridas, because of the money we have to provide for Louisiana, & because we think they cannot fail to fall into our hands.

Oct. 4—Present Secretaries of State, Treasury, War.

Will it be advisable for forcible possn of N. Orleans to be taken, if refused, unanimous it will. Should we now prepare force so as to have it ready the moment Congress authorises it? Unan. it will.

What force? 400. regulars from F. Adams, 100 Do. from Chickasaw bluffs & Massac. 500 militia of Mis. tery, boatmen & sailors.

1803. Dec. 13. The revd Mr. Coffin of New England who is now here soliciting donations for a college in Greene county in Tennissee, tells me that when he first determined to engage in this enterprise, he wrote a paper recommendatory of the enterprise, which he meant to get signed by clergymen, and a similar one for persons in a civil character, at the head of which he wished Mr. Adams to put his name, he being then President, & the application going only for his name & not for a donation. Mr. Adams after reading the paper & considering, said "he saw no possibility of continuing the union of the states, that their disolution must necessarily take place, that he therefore saw no propriety in recommending to New England men to promote a literary institution in the South,

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that it was in fact giving strength to those were to be their enemies, & therefore he would have nothing to do with it."

Dec. 31. After dinner to-day the pamphlet on the conduct of Colo. Burr [1] being the subject of converns Matthew Lyon noticed the insinuations agt. the republicans at Washington pending the Presidential election, & expressed his wish that everything was spoken out which was known: that it would then appear on which side there was a bidding for votes, & he declared that John Brown of Rhode Island, urging him to vote for Colo. Burr used these words. "What is it you want, Colo. Lyon? Is it office, is it money? Only say what you want & you shall have it."

1804. Jan. 2. Col. Hitchburn of Mass. reminding me of a letter he had written me from Philadelphia pending the Presidential election, sais he did not therein give the details. That he was in company at Phila. with Colo. Burr & Genl. Sam. Smith (when the latter took his trip there to meet Burr, & obtained the famous letter from him) that in the course of the conversn on the election, Colo. Burr said "we must have a President, & a constnal one in some way." "How is it to be done, says Hitchburn, Mr. Jefferson's friends will not quit him, & his enemies are not strong enough to carry another" "Why, sais Burr, our friends must join the federalists, and give the president." The next morning at Breakfast Colo. Burr repeated nearly the same, saying "we cannot be

[1] W. P. Van Ness' *Examination of the various charges exhibited against Aaron Burr.*

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without a president, our friends must join the federal vote." "But, says Hitchburn, we shall then be without a Vice-president; who is to be our Vice-president?" Colo. Burr answered "Mr. Jefferson."

Jan. 26. Col. Burr the V. P. calls on me in the evening, having previously asked an opportunity of conversing with me. He began by recapitulating summarily that he had come to N. Y. a stranger some years ago, that he found the country in possn of two rich families, (the Livingstons & Clintons) that his pursuits were not political & he meddled not. When the crisis, however of 1800 came on they found their influence worn out, & solicited his aid with the people. He lent it without any views of promotion. That his being named as a candidate for V. P. was unexpected by him. He acceded to it with a view to promote my fame & advancement and from a desire to be with me, whose company and conversation had always been fascinating to him. That since those great families had become hostile to him, and had excited the calumnies which I had seen published. That in this Hamilton had joined and had even written some of the pieces against him. That his attachment to me had been sincere and was still unchanged, altho many little stories had been carried to him, & he supposed to me also, which he despised, but that attachments must be reciprocal or cease to exist, and therefore he asked if any change had taken place in mine towards him: that he had chosen to have this conversn with myself directly & not through any intermediate agent. He reminded me of a letter

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written to him about the time of counting the votes (say Feb. 1801) mentioning that his election had left a chasm in my arrangements, that I had lost him from my list in the admn. &c. He observed he believed it would be for the interest of the republican cause for him to retire; that a disadvantageous schism would otherwise take place; but that were he to retire, it would be said he shrunk from the public sentence, which he never would do; that his enemies were using my name to destroy him, and something was necessary from me to prevent and deprive them of that weapon, some mark of favor from me, which would declare to the world that he retired with my confidence. I answered by recapitulating to him what had been my conduct previous to the election of 1800. That I never had interfered directly or indirectly with my friends or any others, to influence the election either for him or myself; that I considered it as my duty to be merely passive, except that, in Virginia I had taken some measures to procure for him the unanimous vote of that state, because I thought any failure there might be imputed to me. That in the election now coming on, I was observing the same conduct, held no councils with anybody respecting it, nor suffered any one to speak to me on the subject, believing it my duty to leave myself to the free discussion of the public; that I do not at this moment know, nor have ever heard who were to be proposed as candidates for the public choice, except so far as could be gathered from the newspapers. That as to the attack excited against him in the newspapers, I had noticed it but as the

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passing wind; that I had seen complaints that Cheetham, employed in publishing the laws, should be permitted to eat the public bread & abuse its second officer: that as to this, the publishers of the laws were appd by the Secy, of the state witht. any reference to me; that to make the notice general, it was often given to one republican & one federal printer of the same place, that these federal printers did not in the least intermit their abuse of me, tho' receiving emoluments from the govmts and that I have never thot it proper to interfere for myself, & consequently not in the case *of* the Vice president. That as to the letter he referred to, I remembered it, and believed he had only mistaken the date at which it was written; that I thought it must have been on the first notice of the event of the election of S. Carolina; and that I had taken that occasion to mention to him that I had intended to have proposed to him one of the great offices, if he had not been elected, but that his election in giving him a higher station had deprived me of his aid in the administration. The letter alluded to was in fact mine to him of Dec. 15, 1800. I now went on to explain to him verbally what I meant by saying I had lost him from my list. That in Genl. Washington's time it had been signified to him that Mr. Adams, the V. President, would be glad of a foreign embassy; that Genl. Washington mentd. it to me, expressed his doubts whether Mr. Adams was a fit character for such an office, & his still greater doubts, indeed his conviction that it would not be justifiable to send away the person who, in case of his death, was provided by the constn to take his place;

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that it would moreover appear indecent for him to be disposing of the public trusts in apparently buying off a competitor for the public favor. I concurred with him in the opinion, and, if I recollect rightly, Hamilton, Knox, & Randolph were consulted & gave the same opinions. That when Mr. Adams came to the admn, in his first interview with me he mentioned the necessity of a mission to France, and how desirable it would have been to him if he could have got me to undertake it; but that he conceived it would be wrong in him to send me away, and assigned the same reasons Genl. Washington had done; and therefore he should appoint Mr. Madison &c. That I had myself contemplated his (Colo. Burr's) appointment to one of the great offices; in case he was not elected V. P. but that as soon as that election was known, I saw it could not be done for the good reasons which had led Genl W. & Mr. A. to the same conclusion, and therefore in my first letter to Colo. Burr after the issue was known, I had mentioned to him that a chasm in my arrangements had been produced by this event. I was thus particular in rectifying the date of this letter, because it gave me an opportunity of explaining the grounds on which it was written which were indirectly an answer to his present hints. He left the matter with me for consideration & the conversation was turned to indifferent subjects. I should here notice that Colo. Burr must have thot that I could swallow strong things in my own favor, when he founded his acquiescence in the nominn as V. P. to his desire of promoting my honor, the being with me whose company & conversn had always been

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fascinating to him &c. I had never seen Colo. Burr till he came as a member of Senate. His conduct very soon inspired me with distrust. I habitually cautioned Mr. Madison against trusting him too much. I saw afterwards that under Genl W.'s and Mr. A.'s admns, whenever a great military appmt or a diplomatic one was to be made, he came post to Philada to shew himself & in fact that he was always at market, if they had wanted him. He was indeed told by Dayton in 1800 he might be Secy. at war; but this bid was too late. His election as V. P. was then foreseen. With these impressions of Colo. Burr there never had been an intimacy between us, and but little association. When I destined him for a high appmt, it was out of respect for the favor he had obtained with the republican party by his extraordinary exertions and successes in the N. Y. election in 1800.

1804. Feb. 18.—Present the 4. Sec' & Atty. Genl.

It is agreed we shall consider the settlement on the Mining from Iberville up to our line, as our territory as to importations and exportations thro' the Missip. making Baton rouge a port of delivery. So also as to what shall come thro' Ponchartrain that the Militic of Colour shall be confirmed in their ports and treated favorably till a better settled state of things shall permit us to let them neglect themselves.

That an intimation shall be given by Claiborne to Morales [1] that his continuance in that territory is not approved by the Government.

[1] Mirales.

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That the remaining Span. troops shall be desired to withdraw.

That Fort Stoddart shall be a port of entry. That Monroe shall be instructed to negotiate as to our lines with Spain, & the extension of territory.

Eastwd. viz—1—To the Perdido—2—To Apalachicola. 3. All E. Florida. That according to the greater or less extent he may give of the following equivalents. 1. Relinquish our right from the Rio Bravo, Eastwardly towards the Mexican river. 2. Stipulate that a band of country of given breadth shall be established between our white settlements to be unsettled by either party for a term of years. 3. 1,000,000 Dollars. As to Stevens' accounts opinions seem not to be satisfactorily formed except by Mr. Gallatin that there is no fund applicable, & Mr. Madison that the foreign intercourse fund is applicable; with this last I concur.

May 26.

Present the Secretaries and Atty. Genl. What terms of peace with Tripoli shall be agreed to? If successful, insist on their deliverg. up men without ransom, and reestablishing old treaty without paying anything. If unsuccessful, rather than have to continue the war, agree to give 500. D. a man. (having first deducted for the prisoners we have taken) and the sum in gross & tribute before agreed on. Shall anything be furnished to the Ex-Bashaw to engage coöperation? Unanimously 20,000. D. Whether we shall prohibit our mercht. vessels from arming to force a trade in St. Domingo as requested by Pichon? Unanimously not.

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1804. Oct. 8. Present the 4 Secritaries. Yrujo's and C. Pinckney's communicns submitted.

Cevallos's 1st, condn. as to giving time for commencet. of commissn. All agree we may fix a day with Yrujo not exceeding 6 months hence, say nothing which shall weaken our claims under the 6th. article and repeat the explanation of the 4th. & 11th. article of the Act of Congress already given him and communicate the Act of the President defining the district.

A letter to be written to Yrujo on the impropriety of his publishing his letter to the Sec'y. of State.

1805. Jan. 8. Indian affairs.

Sac murderer. Pardon him.

Osages. Their mill to be built.

The seceders under Le grande piste: persasñ—not force.

Sioux. Sacs, Ayouas [Iowas]. Receive their visit.

Commerce forts at Chickago & mouth of Ouisconsing[1] to prevt. interlopers with nations bordering on us, the U. S. to carry it on. With distant nations let individuals.

License none but natives of American territory. Permit no liquor.

Chamber's idea as to Choctows of annl. paimt. in lands.

Little Turtle. Let a joint right to lands be proved & we will pay.

Tripoli.

New instrnts. Not to give a dollar for peace.

If the enterprise in the spring does not produce peace & delivery of prisoners, ransom them.

[1] Ouisconsin, otherwise Wisconsin.

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G. Britain—countervail their duty on exports by refusing entry to merchandise which has pd. a greater export duty coming here, than would have been paid going to any other for'n country. Countervail their prohbn to our vessels to carry our produce to their possns by not permittg their vessels to do it after the 21st of May 1805.

Gov. Harrison's lre Dec. 14. Property stolen by Indns.

Arrears to be pd. by public.

Hawkins Do. Dec. 15. Road thro Creeks to N. O.

Spanish alarm & proposns to Indians.

Feb. 21—Spanish [1] movements. to Adaïs [2] &c.

Lanana. S. Antonio. Turner to Claiborne, Cados, Paunies, send factory immedly.

Court them.

Bayou Pierre, Span. settlemt. on Red rivr. 70. mi. above Natchitoches. Lanana, 40. mi. from Mactchitoches.

Spands. have takn. post there—Casa Calvo & his guard to retire.

Louisiana bank.

Mounted infantry to scour disputed country.

Claiborne to have interview with Govr. of Texas.[3]

Casacalvo?

Matta Gordo. 2. Span. regimts. to b' establd. there. (i. e. Bay of St. Bernard).

[1] These notes refer to the boundaries of Florida and Texas, then in dispute between the United States and Spain.

[2] Neustra Señora de los Adaes, seven leagues from Natchitoches.

[3] Cordero, the Spanish governor.

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Cavalry & infantry from Mexico expected at St. Antonio.
A Governr. wth. 3000, men com'g. to Nacogdoches.
The prest. Comandt. of Nacogdoches to take post at Adaïs.
1100. Seminoles invited to Pensacola by Govr.
3. regimts. of 1500 men each expectd. from Havana for Pensaca. Mob.[1] & Plat R. & 200,000 cavelry. Forts to be at Pascagoula & Pearl rivers.
1000. families under the prest. govr. of St. Antonio, to come to Adaïs.
An officer & 100 dragoons have been takg. survey of Rio Guadalupe.
4. regiments ordered for the frontier (Nacogdoches).
Chamber's lre. the Span. duties at Mobille to be submd. to till furthr. order.
Choctaws. Nannahubba isld. is ours.

1805—July 8. Present the 4. Secretaries. Privateers are now blockading Charleston, the capes of Chesapeake and Delaware and capturing vessels without the smallest pretext, merely because they are rich.

It is determd. by unanimous consent (except Mr. Gallatin who dissents) that the vessels being some without commns. some with insfft. commns. & some doing what their commns. do not warrt. all of which is within the definition of piracy & the act of Congr. authorizing us to keep 6 frigates in commn. in time of peace with ⅔ their ordinary compliment, & having authorized the buildig. equippg. &c 2. brigs without confining them to specific objects, we are author-

[1] Mobile.

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ized from this force to take what may be necessary to suppress these pyracies, & accdly. that the *Adams* and the brig *Hornet* building at Baltimore, shall be got ready & sent out, & confined entirely to the suppression of these piracies on our Atlantic coast, chusing prudent officers and giving cautious instructions. There are funds sufficient & regularly appropriated to the fitting out, but for manning the proper funds are already exhausted, consequently we must borrow from other funds, and state the matter to Congress. Our general opinion is that as soundings on our coast cease at the beginning of the gulph stream, we ought to endeavor to assume all the waters within the gulph streem as our waters so far as to exclude privateers from hovering within them.

1805—Nov. 12. Present the 4. Secretaries, subject Spanish Affaires. The extension of the war in Europe leaving us without danger of a sudden peace, depriving us of the chance of an ally, I proposed we shd. address ourselves to France, informg. her it was a last effort at amicable settlement with Spain, and offer to her or through her, 1. a sum of money for the rights of Spain east of Iberville, say the Floridas. 2. to cede the part of Louisiana from the Rio Bravo to the Guadaloupe. 3. Spain to pay within a certain time spoliations under her own flag agreed to by the convention (which we guess to be 100. vessels worth 2. mil:) and those subsequent (worth as much more) & to hypothicate to us for those paimts. the country from Guadaloupe to Rio Bravo. Armstrong to be employed. The 1st was to be the exciting motive

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with France to whom Spain is in arrears for subsidies and who will be glad also to secure us from going into the scale of England. The 2d. the soothing motive with Spain which France would press bona fide because she claimed to the Rio Bravo. The 3d. to quiet our merchants—it was agreed to unanimously & the sum to be offered fixed not to exceed 5 millions dollars. Mr. Gallatin did not like purchasing Florida under an apprehension of war, lest we should be thought in fact to purchase peace. We thought this over-weighed by taking advantage of an opportunity which might not occur again of getting a country essential to our peace, & to the security of the commerce of the Missipi.—It was agreed that Yrujo shd. be sounded thro' Dallas whether he is not going away, & if not he should be made to understand that his presence at Washington will not be agreeable and that his departure is expected. Casacalvo, Morales and all the Span. officers at N. O. are to be desired to depart, with a discretion to Claiborne to let any friendly ones remain who will resign & become citizens: as also women receiving pensions to remain if they chuse.

Nov. 19—Present the same.—Since our last meeting we have recd. a letter from Genl. Armstrong containing Talleyrand's propositions, which are equivalent to ours nearly, except as to the sum, he requiring 7. m. D. he advises that we alarm the fears of Spain by a vigorous language & conduct, in order to induce her to join us in appealing to the interference of the Emperor. We now agree to modify our propotns.

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so as to accommodate them to his as much as possible. We agree to pay 5. mil. D. for the Floridas as soon as the treaty is ratified by Spain, a vote of credit obtd. from Congress & orders delivd. us for the surrender of the country. We agree to his proposition that the Colorado shall be our western boundary, and a belt of 30. leagues on each side of it kept unsettled. We agree that joint commrs. shall settle all spolians, & to take paimt. from Spain by bills on her colonies. We agree to say nothing about the French spolians. in Span. ports which broke off the former conventn. We propose to pay the 5. mills. after a simple vote of credit, by stock redeemable in 3. years, within which time we can pay it.

We agree to orders to the commandg. officer at Natchitoches to patrole the country on this side the Sabine & all the red river as being in our possn. except the settlemt. of Bayou Pierre which he is not to disturb unless they agress. He is to protect our citizens & repel all invasions of the preceeding country by Span. soldiers, to take all offenders without shedding blood unless his orders cannot otherwise be executed.

1806. Mar. 5.—For particular instructions to Armstrong & Bowdoin relative to the purchase of the Floridas from Spain see my letter of this day to Mr. Madison.

14.—Present the 4 heads deptmt. & atty. Gen.

Tunis.—A lre. recd. from their ambassador here, rejecting the offer of the return of the cruiser taken—including the blockade of Tripoli, or 4000. D.

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making vague demands & threatening war in direct terms. Unanimous opin. that he be answered that we do nothing under threats, & that he must take back them, or end negotiation with him & send either our Consul or Commodore to his sovereign to know if he means war, we further agreed that if he should take back his threats, we might agree to restore him the cruiser taken in as good state as when taken & the 2. prizes which were almost nothing in value, if they were still in our hands, of if not, then a vessel of equal value to be bought, presents are proposed to be made equal in value to those he brought.

Tripoli.—We do not know that the family of the ex-bashaw is yet given up, shall he restore the blockade till it is done? Unanimously no. That would be an act of war to which Congress alone is compett. Let it be given in charge to the Consul who is going to press the surrender of the family with urgency, to let it be plainly understood we will not retire from the fulfilment of that article of the treaty and if it is not done, we may lay it before Congress at the next session when we can better spare gunboats than now.

Spain.—It is understood that if Spain will not sell the Floridas, we may agree to the Sabine & Perdido as the ultimatum of boundary, with all the waters of the Missipi.

England.—Mr. Pinkney of Maryld. is approved as a special missionary to England & also to succeed Monroe. It seems to be the sentiment, tho no question was taken, that we may enter into treaty

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with England, the sum of which should be to settle neutral rights, not insisting on the principle of free ships, free goods, and modifying her new principles of the "accustomed trade" so as to give up the direct, & keep the indirect commerce between colonies & their metropols, restraining impressmts. of seamen to her own citizens in her own ports, & giving her in commerce the rights of the most favored nations without entering into details. Endeavor to get a relinqumt of her right of commerce with our Indians, or insist on security for our people trading with hers. Endeavour also to exclude hostilities within the gulph stream.

Agreed that Colo. Smith survr. of N. Y. ought to be removed & Peter A. Schenk appod.

That Capt. Rogers ought to return from the Mediterranean so as not to mark him, and James Barron be sent to command there.

Apr. 14.—Present all the heads of departments. The message of this day to both houses respecting Tunis was submitted to them, & approved by all of them except Mr. Gallatin who would rather no communication on the subject should be made. However he suggested several alterations in the message, which were made.

Information being received that the Spaniards prohibit our vessels passing up the Mobille, I proposed for their considn whether I should communicate it to Congress. We all were against it except Mr. Madison & Genl. Dearborne who rather leaned to a communcion but acquiesed, the reasons against it

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were that it would open anew the sluices of invective which had lately been uttered there, the lateness of the period, Congress being to adjourn in 7 days, the impossibility of their administering a remedy in that time & the hope that we might get along till we could hear from Paris.

1806. April 15. About a month ago, Colo. Burr called on me & entered into a conversation in which he [mentioned] that a little before my coming into office I had written to him a letter intimating that I had destined him for a high employ, had he not been placed by the people in a different one; that he had signified his willingness to resign as V. President to give aid to the admn in any other place; that he had never asked an office however; he asked aid of nobody, but could walk on his own legs, & take care of himself; that I had always used him with politeness, but nothing more: that he aided in bringing on the present order of things, that he had supported the admn, & that he could do me much harm: he wished however to be on differt. ground: he was now disengaged from all particular business, willing to engage in something, should be in town some days, if I should have anything to propose to him. I observed to him that I had always been sensible that he possessed talents which might be employed greatly to the advantage of the public, & that as to myself I had a confidence that if he were employed he would use his talents for the public good: but that he must be sensible the public had withdrawn their confidence from him & that in a government like

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ours it was necessary to embrace in its admn as great a mass of public confidce as possible, by employing those who had a character with the public, of their own, & not merely a secondary one through the Exve. He observed that if we believed a few newspapers it might be supposed he had lost the public confidence, but that I knew how easy it was to engage newspapers in anything. I observed that I did not refer to that kind of evidence of his having lost the public confidence, but to the late presidential election, when, tho' in possn of the office of V. P. there was not a single voice heard for his retaining it. That as to any harm he could do me, I knew no cause why he should desire it, but at the same time I feared no injury which any man could do me: that I never had done a single act, or been concerned in any transaction, which I feared to have fully laid open, or which could do me any hurt if truly stated: that I had never done a single thing with a view to my personal interest, or that of any friend, or with any other view than that of the greatest public good: that therefore no threat or fear on that head would ever be a motive of action with me. He has continued in town to this time; dined with me this day week & called on me to take leave 2. or 3. days ago. I did not commit these things to writing at the time but I do it now, because in a suit between him & Cheetham, he has had a deposn of Mr. Bayard taken, which seems to have no relation to the suit nor to any other object but to calumniate me. Bayard pretends to have addressed to me, during the pending of the Presidl election in Feb. 1801. through Genl. Saml. Smith, certain

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condns on which my election might be obtained, & that Genl. Smith after conversing with me gave answers from me. This is absolutely false. No proposn of any kind was ever made to me on that occasion by Genl. Smith, nor any answer authorized by me. And this fact Genl. Smith affirms at this moment. For some matters connected with this see my notes of Feb. 12. & 14. 1801 made at the moment. But the following transactions took place about the same time, that is to say while the Presidential election was in suspense in Congress, which tho' I did not enter at the time they made such an impression on my mind that they are now as fresh as to their principal circumstances as if they had happened yesterday. Coming out of the Senate chamber one day I found Gouverneur Morris on the steps. He stopped me & begun a conversn on the strange & portentous state of things then existing, and went on to observe that the reasons why the minority of states were so opposed to my being elected were that they apprehended that 1. I should turn all federalists out of office. 2. put down the navy. 3. wipe off the public debt & 4.[1] . . .

That I need only to declare, or authorize my friends to declare, that I would not take these steps, and instantly the event of the election would be fixed. I told him that I should leave the world to judge of the course I meant to pursue by that which I had pursued hitherto; believing it to be my duty to be passive & silent during the present scene; that I should certainly make no terms, should never go

[1] MS. cut out.

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into the office of President by capitulation, nor with my hands tied by any conditions which should hinder me from pursuing the measures which I should deem for the public good. It was understood that Gouverneur Morris had entirely the direction of the vote of Lewis Morris of Vermont, who by coming over to M. Lyon would have added another vote & decided the election. About the same time, I met with Mr. Adams walking in the Pensylve avenue. We conversed on the state of things. I observed to him, that a very dangerous experiment was then in contemplation, to defeat the Presidential election by an act of Congress declaring the right of the Senate to naming a President of the Senate, to devolve on him the govmt during any interregnum: that such a measure would probably produce resistance by force & incalculable consequences which it would be in his power to prevent by negativing such an act. He seemed to think such an act justifiable & observed it was in my power to fix the election by a word in an instant, by declaring I would not turn out the federal officers, not put down the navy, nor sponge the National debt. Finding his mind made up as to the usurpation of the government by the President of the Senate I urged it no further, observed the world must judge as to myself of the future by the past, and turned the conversation to something else. About the same time Dwight Foster of Massachusetts called on me in my room one night & went into a very long conversation on the state of affairs the drift of which was to let me understand that the fears above-mentioned were the only obstacles to my elec-

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tion, to all of which I avoided giving any answer the one way or the other. From this moment he became most bitterly & personally opposed to me, & so has ever continued. I do not recollect that I ever had any particular conversn with Genl. Saml. Smith on this subject. Very possibly I had however, as the general subject & all its parts were the constant themes of conversation in the private *tête à têtes* with our friends. But certain I am that neither he, nor any other republican ever uttered the most distant hint to me about submitting to any conditions or giving any assurances to anybody; and still more certainly was neither he nor any other person ever authorized by me to say what I would or would not do. See a very exact statement of Bayard's conduct on that occasion in a piece among my notes of 1801. which was published by G. Granger with some alterations in the papers of the day under the signature of [1]

25.—Present all the members of the Cabinet. All the articles of a treaty in maximo and minimo, were agreed to without a single dissent on any article, the former instrns of Monroe were made the ground work.

It was proposed to consider whether any measures should be taken under the act for detaching 100,000 militia. It was agreed not on the following grounds.

1. It would spread considerable alarm through the country. 2. If N. O. (the only place to which danger is apprehended) be really attacked succor from this act is doubtful, if not desperate. 3. The

[1] Blank in MS. This note is not in the Jefferson MSS.

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language of Spain is entirely pacific accdg to the last letters from Irving.[1] 4. Were she disposed to send troops across the Atlantic, she could not do it in the present posture of things on the ocean. 5. At Havana they have scarcely any troops—certainly none to spare, at Pensacola & Mobille abt. 600. Baton rouge 170. 6. In N. Orleans we have 200. & in the vicinities which may be drawn there in a few days 1000 more. The militia of N. O. may be counted on from 500 to 1000. & the seamen about as many more: so that an effective force of about 3000. may be relied on. We conclude therefore to adopt the following measures.

1.—The gunboats (8 in number) up the Ohio not being ready, order the 2. bomb vessels & 2 gunboats built by Com. Preble to proceed immediately to Charleston, there take gunboat No. 1. & go on, the 3. gunboats to L. Pontchartrain & the 2 Bombs to N. O. where the men & stores for them have been some time arrived. The rest of the gun boats from the Meditern. being daily expected at Charleston or Savanna, if they arrive before those from the Ohio come down, order 4. to N. O. because we consider 6. for the Misipi & 3. for the lakes sufficient & when the Ohio boats come down the surplus may be brought off to the Atlantic ports. The gun boats are depended on to guard the passage thro' the lakes from the quarter of Mobille, to guard the entrance of the mouth of the river from the sea, and to guard the crossing of it at the Acadian settlement should troops approach from Nacogdoches & westward across the

[1] George W. Erving, *chargé d'affaires* and acting minister at Madrid.

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Chataleya along the road to the Acadian settlement.

2.—Block houses and other defensive works are immediately to be prepared on the neck of land along which the approach lays from Baton rouge & Manshac; at Fort St. Jean, & the most advantageous defiles on the approaches from the Eastward; the troops remaining in the vicinities as at present on account of their health.

3.—The militia of N. O. Tombigbee, & Natchez to be kept in readiness, those of N. O. for its own defense, those of Tombigbee to seize Mobille or Pensacola if their garrisons be drawn off to N. O. or to follow on their rear; & those of Natchez to take Baton rouge, if the garrison be drawn, or to follow & cut off their retreat.

There was no dissent to any article of this plan.

May 1.—Present the 4 heads of departmts. A letter from the Mayor of N. Y. complaing. of the murder lately committed, & the trespasses by the *Leander*, *Cambrian* & *Driver*,[1] & asking for a naval force, also the deposns of Pierce & ——. It was considd that the laws had made an establmt of 900 men for the navy in peace, with power to employ them in any vessels we thought proper; that these might man 3. frigates, that if it would have been thought proper with 3 frigates to attack and drive off these 3 British vessels, yet that 2 of the 3 were absent in the Mediterranean, & the 3d. hove down; the latter not to be in readiness under a month, & one of the former not possible to be called home

[1] British cruisers.

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under 5. months, that for so distant & uncertain an effect the defence of our commerce in the mediterranean ought not to be abandoned, that our gun boats were not as yet in place to be stationed in N. York & that therefore no force of either of these descriptions were within our power. It was thought proper therefor to recommend a regular prosecution of the murder [1] by the state courts of N. Y. or N. J. if within their jurisdiction, or if out of it then by the distr. court of the U. S. and to issue a proclamn for apprehending Henry? Whitby commander of the *Leander* for the murder, requiring the 3 vessels to depart. & interdicting them & all other vessels commanded by the prest. captains of the *Cambrian* & *Driver* from the harbours & waters of the U. S. and on their failure to depart, or reentering them, to prohibit all intercourse, see the proclmn which was communicated & approved by each of the gentlemen. In all this there was no difference of opin. except that Genl Dearborne thought we might hold out some promice of naval defence to N. York.

On the prosecution of Ogden & Smith for participtn in Miranda's expedn the defs and their friends having contrived to make it a government question, in which they mean to have the admn & the judge tried as the culprits instead of themselves, Swartwout, the marshel to whom, in his duel with Clinton, Smith was second, & his bosom friend, summoned a pannel of jurors, the greater part of which were of the bitterest federalists, his letter too covering to a friend

[1] A shot fired by the *Leander* across the bows of an American ship had killed a man on a sloop.

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a copy of Aristides,[1] & affirming that every fact in it was true as holy writ. Determined unanimously that he be removed.

July 11.—Consultation with the Secy. of the Navy, 9 gunboats built in the U. S. and 2 do. bought in the Mediterrn, with 2 Bombs built in the U. S. & 2 do. bought in the Mediterranean, & 3 of our brigs &c are daily expected to arrive from the Mediterranean, 2 of the brigs to come here, & all the other vessels to Charleston. As everything at N. Orleans is now quiet, & therefore not pressing we conclude to depend on the 8. gun boats built in the Ohio to be in N. O. in time, and to join to these by an immediate order one of Preble's gunboats, & one of his bombs, this will make up the 9 Gunboats agreed on Apr. 25 for the Misipi & Pontchartrain, with the addition of the bomb, 2 of the gunboats at Charleston, 3 shall remain there 3 others of them + No. 1 (not fit for that place) shall go to Norfolk, 6 others of them + the other of Preble's gunboats shall go to N. York, 1 boat only however is to be kept manned at each place, the rest to be hauled up. Preble's other Bomb the 4 do. from the Medn. & all the other brigs &c. from the Medn. to come here to be laid out.

1806.—July 19.—Consultation with the 4 heads of departmts. An armed vessel at Norfolk fitting out by Cooper to cruise as a Spanish or French privateer to be seized & placed under a course of law, she is complained of by Mr. Merry;[2] officer to be in-

[1] Van Ness' pamphlet. See *ante*, p. 376.
[2] The British Minister.

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demnified. Yrujo—agreed to do nothing as yet. Mr. Madison seemed of a different opin.[1]

1 gunboat to be kept in service at Charleston & to act against privateers under former instructions, if the appropriation will afford it.

The frigate under Campbell in the Mediterrn. to remain there till next spring.

Here Genl. Dearborne was called away.

Swartwout, if the case v. Ogden & Smith is determined at the present session he is to be removed immedly. if it lies over to another term let him remain to another.

Oct. 22.—Present the 4 heads of departmts. The Spaniards have moved to Bayou Pierre a body of 1000. or 1200. men, mostly militia, mounted, and 300 regulars are expected to join them. Our regular force in the Missipi & Orleans territories is 631 men at Natchitoches & ordered there from Fort Adams, 210. At N. Orleans, 240 new recruits arrived or arriving at Orleans, making in all 1081, besides 130. at Tombigby. 2. gunboats are at N. Orleans (from Ohio) 6. more daily expected from the same quarter. 2. others & 2. bomb vessels from Boston are arriving there about this time, & Genl. Wilkinson asks 500 mounted men to secure his operations if forced to act hostility, the acting Govr. of Missipi offers 250. volunteers for service on the west side of the Missipi, & 500. if employed on the east side, the Govr. of Orleans counts on 500. militia from the western countries of his territories. Agreed unanimously to

[1] Madison desired his recall.

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require from those two territories 500. volunteers mounted on their own horses, engaged to serve 6 months, & to be in readiness when called for by the commandg officer of the regulars. This under the law of the last session for calling out a detachment of militia, and further that the marines at N. O. shall do garrison duty there, so that the 210 men at that place may be moved up to Natchitoches, the gunboats to be under the orders of the commanding officer.

During the last session of Congress, Col. Burr who was here, finding no hope of being employed in any department of the govmt. opened himself confidentially to some persons on whom he thought he could rely, on a scheme of separating the western from the Atlantic States, & erecting the former into an independent confederacy, he had before made a tour of those states, which had excited suspicions, as every motion does of such a Catalinarian character, of his having made this proposition here we have information from Genl. Eaton, thro. Mr. Ely & Mr. Granger, he went off this spring to the western country. Of his movements on his way information has come to the Secretary of State & myself from John Nicholson and Mr. Williams of the State of N. J. respecting a Mr. Tyler, Col. Morgan, Nevill & Roberts near Pittsbg. and to other citizens thro' other channels & the newspapers. We are of opinion unanimously that confidential letters be written to the Governors of Ohio, Indiana, Missisipi & Orleans, to the district attorney of Kentucky, —— of Tennissee, —— of Louisiana, to have him strictly watched and on his

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committing any overt act unequivocally, to have him arrested and tried for treason, misdemeanor, or whatever other offence the Act may amount to. And in like manner to arrest and try any of his followers committing acts against the laws. We think it proper also to order some of the gunboats up to Fort Adams to stop by force any passage of suspicious persons going down in force.

Genl. Wilkinson being expressly declared by Burr to Eaton to be engaged with him in this design as his Lieutenant or first in command, and suspicions of infidelity in Wilkinson being now become very general, a question is proposed what is proper to be done as to him on this account as well as for his disobedience of orders received by him June 11. at St. Louis to descend with all practicable despatch to N. O. to mark out the site of certain defensive works there, and then repair to take command at Natchitoches, on which business he did not leave St. Louis till Sep. —— Consideration adjourned.

Oct. 24—It is agreed unanimously to call for Captain Preble & Decatur to repair to N. Orleans by land or sea as they please, there to take command of the force on the water, & that the *Argus*, & 2. gunboats from N. Y. 3 from Norfolk & 2 from Charleston shall be ordered there, if on a consultation between Mr. Gallatin & Mr. Smith the appropriations shall be found to enable us. That Preble shall, on consuln with Govr. Claiborne have great discretionary powers. That Graham shall be sent thro' Kentucky on Burr's trail, with discretionary powers to consult

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confidentially with the Governors, & to arrest Burr if he has made himself liable. He is to have a commission of Govr. of Louisiana, and Doctr. Browne is to be removed, letters are to be written by post to Govr. Claiborne, the Govr. of Misipi and Colo. Freeman to be on their guard against any surprise of our ports or vessels by him. The question as to Genl. Wilkinson postponed till Preble's departure, for further information.

25—A mail arrived yesterday from the Westward, and not one word is heard from that quarter of any movements by Colo. Burr. This total silence of the officers of the govmt., of the members of Congress, of the newspapers, proves he is committing no overt act against law. We therefore rescind the determination to send Preble, Decatur, the *Argus* or the gunboats, & instead of them send off the marines, which are here to reinforce or take the place of the garrison at N. O. with a view to Spanish operns. & instead of writing to the Govrs. &c. we send Graham on that rout with confidential authority to enquire into Burr's movements, put the Govrs. &c. on their guard, to provide for his arrest if necessary, & to take on himself the govmt of Louisiana. Letters are still to be written to Claiborne, Freeman, & the Govr. of Misipi to be on their guard.

Nov. 8.—Present the 4 heads of department agreed on instructions to Genl. Wilkinson, which see.

25.—Present at first the 4 heads of depmt. but after a while Genl. Dearborne withdrew, unwell.

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Dispatches from Genl. Wilkinson to myself of Oct. 21. by a confidential officer (Lt. Smith) shew that overtures have been made to him which decide that the present object of the combination [1] is an expedition by sea against Vera Cruz: and by comparing the contents of a letter from Cowles Meade to the Sec'y of State, with the information from Lt. Smith that a Mr. Swartwout from N. York, brother of the late Marshal had been at Gen'l Wilkinson's camp, we are satisfied that Swartwout has been the agent through whom overtures have been made to Wilkinson. We came to the following determination: that a proclamation be issued (see it) and that orders go as follows to Pittsbg. if we have a military officer there, write to him to be vigilant in order to discover whether there are any preparns making, or boats or arms or other military stores or means providing by any persons against whom there is reasonable ground to suspect that they have in contemplation a military enterprise against any of the territories of Spain (contrary to the Stat. June 5, 94. c. 50), and to stop all bodies of armed men who may be assembled to descend the Ohio under circumstances and appearances so different from those of common emigrants as to induce a reasonable suspicion that they are a part of a combination of persons believed to have such an enterprise in view, to have them bound to the observance of the peace & good behavior, or put in a course of legal prosecution, accding to the strength of the evidence; & for this purpose to call in the aid of the militia;—if we have no officer there,

[1] Burr's Conspiracy.

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then write to Genl. Nevill.—Marietta. Mr. Gallatin is to write to the Collector to proceed to sieze the gunboats building in that neighborhood & suspected to be destined for this enterprise, & to call in the aid of the militia. Genl. Dearborne to write to Govr. Tiffin to furnish a guard of militia, sufficient for the detention of the boats, & to write to Genl. Jackson, supposed to be the Genl. of the Brigade on the Virginia side of the river, to furnish any aid of militia which may be necessary from the left bank of the river.—Louisville. Genl. Dearborne to write to the Govr of Kentucky of the same tenor as to the officer at Pittsbg.—Massac. Genl. Dearborne to give orders to Capt. Bissell of the same tenor, & particularly to stop armed vessels suspected on good grounds to be proceeding on this enterprise & for this purpose to have in readiness any boats he can procure, fitted for enabling him to arrest their passage.——Chickasaw bluffs. Give same orders as to Bissell.—Fort Adams. do.—New Orleans. Genl. Wilkinson to direct the stations of the armed vessels, & if the arrangements with the Spaniards will permit him to withdraw, let him dispose of his force as he thinks best to prevent any such expedition, or any attempt on N. O. or any of the posts or military stores of the U. S. (He is also to arrest persons coming to his camp & proposing a concurrence in any such enterprise, or suspected of being in camp with a view to propogate such propositions, this addition is made by Genl. Dearborne with my approbn.

Dec. 15.—See a message agreed on unanimously

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to furnish money for distressed French—Not sent; Turreau withdrawing request.

Dec. 16.—Present the 4 heads of Department, being informed that the *Cambrian*, one of the vessels proscribed by the proclamation of May last, is in Hampton road, we agreed to issue the proclamation, which see, dated Dec. 20. to write to Generals Matthews & Wells to furnish Militia for cutting off supplies, & to order the revenue cutters & boats, & the gunboats at Norfolk under Capt. Decatur to attend to the same: but first to inform Mr. Erskine[1] of what is to be done, & detain our orders some days to give time for the effect of his interference. The papers were to have gone off on the 20th but that morning he informed Mr. Madison the *Cambrian* was gone, so our orders and proclamn were suppressed, see the draught of the proclamation.

Dec. 19.—Present the heads of departmts. (except Mr. Gallatin.) see an unfinished letter of Dec. 20. to Govr. Claiborne, containing the sum of the orders agreed to be sent.

1807.—Feb. 2. Present the heads of deptmts. & Atty Genl. letters having been recd. from our Ministers in Lond. of Nov. 11. informg. that they were likely to settle satisfactorily the great points of colonial commerce (indirect) blockade, jurisdn, commerce on footing gentis amicissimæ. E. India do. on that of Jay's treaty, but that the right of taking their seamen out of our vessels at sea (which in its

[1] The British Minister.

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exercise took ours also) would not be given up by treaty tho' moderated in practice, & that our commrs. meant to conclude such an one, I proposed these questions.

1.—Shall we agree to any treaty yielding the principle of our non-importn act, and not securing us agt. impressments? Unanimously not. Because it would be yielding the only peaceable instrument for coercing all our rights. The points they yield are all matters of right. They are points which Bonaparte & Alexander will concur in settling at the treaty of peace, & probably in more latitude than Gr. Br. would now yield them to us, & our treaty wd. place on worse ground as to them than will be settled for Europe. The moment is favorable for making a stand & they will probably yield & the more probably as their negociators had agreed to an article that they would not impress on the high seas, or in other than their own ports; which had once before been agreed to with Mr. King, but retracted in both cases. We had better have no treaty than a bad one. It will not restore friendship, but keep us in a state of constant irritation.

2. Shall we draw off in hostile attitude, or agree informally that there shall be an understanding between us that we will act in practice on the very principles proposed by the treaty, (except as to the E. India Commerce) they defining what breaks the continuity of a voyage, blockades, jurisdiction &c. & we agreeing to recommend to Congress to

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continue the supervision of the non importn—the last mode decided unanimous.

Art. 3. Shall we consult the Senate? unanimously not, had the 1st qu. been decided affirmatively their advice should have been asked. Mr. Madison was not satisfied whether we ought not to propose giving up the right of employing their seamen at all in our vessels, & making it penal on our commanders, as an inducement to them to give up impressment and trust to the effect of such a law for securing to them the use of all their seamen, our Commrs. are to be immedly instructed to adhere to their original instructions which made the impressmt a *sine quâ non*.

Feb. 27. Present Mad. Dearb. Smith, Rodney, agreed to discharge all the militia at the stations from the mouth of the Cumberland upwards, to give up all boats & provisions seized (except Blannerhasset's) or pay the value, applying them in that case to public use; to institute an inquiry into the proceedings of Burr & his adherents from N. Y. to N. Orleans, & particularly to appoint good men at the following points. Pittsbg. Marietta, Wood County, Cincinnati, Louisville, Nashville, Vincennes, St. Louis, Natchez, New Orleans, Statesburg, city of Washington, Philadelphia, N. York, & other points in that state, to take affidavits. The Atty. Genl. to prepare interrogatories, the vessels in the Mediterranean to be relieved, the Act for 30,000. volunteers to be committed to Governors of Western States for execution.

The Arkansa to be explored.

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Mar. 17.—Present all. British treaty—agreed that the article agt. impressmt shall be a *sine quâ non* accding to our instrm of Feb. 3. So also the withdrawing the declaration respecting the French decree of blockade or the modifying it so as not to effect the treaty, and as the treaty is opened for these purposes, endeavor to alter the following articles, 1. E. India trade, restore Jay's articls. 2. Keep the one now in. 3. Expunge it, but on this head we are to enquire of merchts before we send the instm. Art. 8. Avoid if possible the express abandonmt of free ships free goods. Art. 10. Have blockade defined according to the British note formerly received. Art. 17. Expunge, stipulation to receive their vessels of war, & especially the humiliating stipuln to treat their officers with respect, reserve the right to indemnificns.—absolutely forbid the proposed Convention for giving them a right to trade with the Indians of Louisiana. Art. 5. Tonnage &c. consult with merchts.

A circular letter to the Govrs, &c. for carrying the volunteer act in exn was agreed on.

Persons were named for conducting enquiries into Burr's treasons &c. & his associates. and Newark & Trenton in Jersey & Newport in Kenty. were added.

It was agreed that the seamen employed at N. Orleans were to be considered & paid as Militia at Militia prices, and that the surplus pay stipulated to them should be paid out of the Navy funds.

Apr. 3.—Prest. the 4. heads of deptmts. Agreed to propose to Gr. Br. not to employ any of her seamen

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on her stipulating not to impress from our ships, to endeavor to make the Article for indirect colonial commerce coextensive in time with the duration of the treaty, agreed also to admit them under the former treaty to pay no more duty on Indian goods imported by the lakes than we take from our own people, on obtaining from them an acknowledgement of our right to extend the regulation, of Indn. Commerce within our limits to their traders as well as our own, as is the case with commerce in general in Atlantic States.

The enquiry into Burr's conspiracy to be begun by the Atty Genl. immediately.

1807. July 2. Prest. all the heads of depmt & Atty Genl. The Proclamation of this day unanimously agreed to.[1]

A copy of the proclamn to be inclosed to the Governors.

Recall all our vessels from the Mediterranean, by a vessel to be sent express.

Send the *Revenge* to England, with dispatches to our Minister, demanding satisfaction for the attack on the *Chesapeake*, in which must be included. 1. A disavowal of the Act & of the principle of searching a public armed vessel. 2. A restoration of the men taken. 3. A recall of Admiral Barclay. Communicate the incident which has happened to Russia. Orders had been already issued for a court of inquiry on Barron. The vessels recalled from the Mediterranean are to come to Boston. When may be further orders.

[1] For all armedEnglish vessels to leave the ports of the United States, occasioned by the *Chesapeake-Leopard* incident.

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[July] 4.—Present the same. Agreed that a call of Congress shall issue the 4th Monday of Aug. (24th) to meet the 4th Monday in Octob (26th) unless new occurences should render an earlier call necessary. Mr. Smith wished an earlier call.

[July] 5. Present the same. It was agreed to call on the governors of the *States* to have their quotas of 100,000. Militia in readiness. The object is to have the portions on the sea-coast ready for any emergency, and for those in the North we may look to a winter expedn against Canada.

[July] 7. Prest. the Secretaries of State & Navy & Atty Genl. Agreed to desire Govr. of Virga to order such portion of Militia into actual service as may be necessary for defence of Norfolk, & of the gunboats at Hampton and in Matthews County.

July 26.—Norfolk. Agreed that all the Militia at this place, & on both sides of James river be dismissed except. 1. An artillery Company to serve the spare guns at Norfolk, and to be trained to their management. 2. A troop of cavalry to patrole the Country in the vicinity of the squadron, as well to cut off their supplies as to give notice of any sudden danger: to meet which the militia of the borough & neighboring counties must hold themselves in readiness to march at a moment's warning, a Major to Command the 2 companies of artillery & cavalry. Offensive measures.

Prepare all necessaries for an attack of Upper Canada & the upper part of Lower Canada, as far as the mouth of Richlieu river.

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Prepare also to take possession of the islands of Campobello &c. in the bay of Passamaquoddy.

The points of attack in Canada to be—1 Detroit, 2. Niagara. 3. Kingston, 4. Montreal.

1.	Detroit.	300.	Militia of Michigan.
		1000.	Do. from the State of Ohio.
		100.	regulars from forts Detroit Fort Wayne.
		1400	
2.	Niagara.	1500	militia from Pennsylvania & Genesee.
			One Artillery company of regulars from Niagara.
		1500	
3.	Kingston.	1500.	militia from New York.
		1500	
4.	Montreal.	1500	militia from New York.
		2000	" Vermont.
		1000	" Massachusetts.
		1000	" New Hampshire.
		5500	
5.	Campobello.	500	militia from Maine.
		10,400	militia

General Officers for the attack on

Detroit, Genl. Hull.
Niagara,
Kingston, Gansevoort.
Montreal,
Campobello, Colo. Trescott or Brigadr. Genl. Chandler.

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It is understood that everything which is not already in the neighborhood of the places can be got & carried as fast as the men can be collected & marched, except provns to Detroit.

Half tents & travelling carriages for artillery to be made.

Measures to be taken for obtaining information. from Detroit through Genl. Hull.

Niagara Erastus Granger.
Kingston.
Montreal Saillée.
Quebec.
Halifax—some person to be covered under a commission of agency for.
Some Merchant who may have a vessel there under adjudication.
The Secretary at War to recommend to the Governors to press for 12. Month *volunteers under the last* act, rather than 6. months.
Do. under the former.

July 27. Defensive Measures.

The places needing defence divided into 3 classes.

1.—Where batteries only need be provided to be guarded in common by a few men only & to be manned, when necessary, by Militia.

2.—Places which from their importance, require some stronger defence, but which from the forts already built, the difficulty of access and the strength of their adjacent population need only repairs, some inconsiderable additions to their works and garrisons.

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3.—Places which from their importance, & ease of access by land or Water may be objects of attack & which from the weakness of their population, difficulties of defence &c. will need particular attention and provision, in distributing the sea ports into these classes their importance so far as depends on their tonnage, collection of import, exports domestic & foreign may be obtained from a table prepared by the Sec'y of the Treas'y which see.

1st class may be taken from that table readily—perhaps some places not in that may require some defence.

2d Class.

Portsmouth, N. H.
Newburyport
Salem
Boston
Providence
New London
Saybrook
New Haven
Philadelphia
Wilmington, Del.
Baltimore
James River
Ocracoke
Wilmington, N. C.
Charleston

} On each of these we conferred, successively, and came so far to a general understanding of the nature and extent of the works, and number of gunboats necessary for their defence, as might enable the Secretary at War to make out a detailed statement for each, for future Consideration, estimating the expense of works, number of men, & number of gunboats necessary for each.

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3d Class.

Portland Newport New York Alexandria & Washington Norfolk Savanna New Orleans	On these also successively, conferences took place so as to enable the Secretary at war to make a similar statement as to them.

July 28.—The existing appropriations for fortifications being not more than sufficient for New York, Charleston, and New Orleans, it is thought best to employ them entirely on those places, and leave the others till further appropriations.

It is thought that the Secretary of the Navy should purchase on credit timber & other materials for a great number of gunboats, suppose 100, but that they should chiefly be of those kinds which may be useful for the navy should Congress not authorize the building gunboats.

Also that he should purchase on credit 500. tons of saltpetre & 100 tons of sulphur on the presumption that Congress will sanction it.

Our stock of swords, pistols & mortars being not sufficient, the Secretary at war will take measures for procuring a supply of the two former articles and will keep Troxall constantly employed in making mortars until a sufficient stock be provided.

The Secretary of the Navy will take immediate measures for procuring from London 100 telescopes

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of about 10 guinea price for the establishment of Telegraphs.

It is agreed that about 15,000 regular troops will be requisite for garrisons and about as many more as a disposable force, making in the whole 30,000 regulars.

It is also recommended to the Secretary of the Navy to recruit the whole number of marines allowed by law, to wit, about 1100, principally for the service of the gunboats. On the question, Under what circumstances I may order Decatur to attack the British vessels in our waters it is the opinion that if they should blockade any place, preventing vessels from entering or going out or proceed systematically in taking our vessels within our waters, that the Gunboats should attack them if they can do it with a good prospect of success. But Decatur is not to do this without orders from me. Should they attack Norfolk or enter Elizabeth river Decatur may attack them without waiting orders.

In endeavoring to obtain information of the state of the British posts to be attacked the following will be proper objects of enquiry.

1. The regular force. 2. The force of the Militia they may command & the temper & disposition of the people, and whether Armed.
3. The Character of the Commanding officer.
4. The situation of the fort, whether in good repair —if requiring regular approaches—the situation of their Magazines, &c.
5. Plans of the works, Maps of the roads, what are the obstacles to the March of troops &c.

It is agreed that Congress shall be called to meet on

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Monday the 26th of October & that we will assemble here on Monday the 5th of October, the proclamation to issue immediately.

Mr. Gallatin's estimate.	D	D
30,000 men employed ashore & in gunboats.....	@ 300—	9,000,000
Navy.....	1,500,000	
Occasional Militia....	1,000,000	
Ordnance, transports, fortifications.....	1,500,000.....	4,000,000
Interest on public debt.....		3,500,000
All civil expences.....		1,500,000
		18,000,000

Ways & Means.		
Present impost reduced by war to.....	8,000,000	
Additional duties & taxes....	2,500,000	
Sales of land.....	500,000	
Deficiency to be supplied by annual loan.....	7,000,000	
		18,000,000

Besides which we must borrow annually the instalments of public debt becoming due that year.

Oct. 10. Prest. the 4. Secretaries. Agreed unan. that in consideration of information recd. as to the strength of the British posts in Canada, 3000. men (instead of 1500) must be ordered agt. Niagara, &

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500. only, instead of 1500 agt. Kingston. That in the message at the opening of Congress the treaty and negotiations should not be laid before them, because still depending.

Oct. 22. Present all. The *Constitution* is to remain at Boston, having her men discharged: the *Wasp* is to come to N. York; the *Chesapeak* is to remain at Norfolk; and the sending the U. S. frigate to N. Y. is reserved for further consideration, enquiring in the meantime how early she could be ready to go—it is considered that in case of war, these frigates would serve as receptacles for enlisting Seamen to fill the Gunboats occasionally.

After agreeing as above, proceeding to consider how the crew of the *Constitution* should be paid off (the Navy funds being exhausted) before the meeting of Congress, it was concluded that in order to gain time till their meeting, the *Constitution* should be brought round to N. York, & the *United States* be destined for Boston.

[Oct.] 31.—Gunboats to be stationed at N. York, 17. at Norfolk, 3. at Charleston, 15. at N. Orleans & 8. building in Western country. They are to have 8. men for the guns, 3. sailors for the sails, & to depend on militia of the place for the rest, a captain for each flotilla.

26.—Present all the members.

27.—Do. except the Atty Genl.
28.—Present all the members

} See a paper containing minutes of the proceedings of these days, in which there was no dissentient voice.

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Nov. 27.—Present all. Govr. Hull writes from Detroit Nov. 8, that he has called on the Govr. of Ohio for 500. Militia infantry & a Co. of horse, in consequence of a collection of Indns, kept at Amherstbg & other indications of war. Genl. Dearborne having before directed Hull to strengthen his garrison (of 50. regulars) by calling into service 3. Cos. of Militia of the place, thot it wd. be sfft. if we ordered 3. or 4. cos. more from Ohio. The other gentlemen thot we had better let Hull's call take it's course, being attentive the moment we receive intelligence from England to Modify it accordly.

Agreed that an order shall be enclosed to Govr. Claiborne to remove by Military force intruders on the Batture [1] under the act of the last session of Congress.

Information being received that great numbers of intruders have set down on the lands lately obtained from the Chickasaws & Cherokees, & particularly within the Yazoo tract & some also within the Cherokee lines, the Secretary at War is to give immediate orders for removing them by Military force.

Jan. 25.—1808—Mr. Dawson called on me & informed me that yesterday he was called on by a Mr. Hall, a native of the U. S. but a British subject engaged in Commerce here who told him he had had a vessel condemned at Halifax and was going to England to prosecute the appeal. That being acquainted with Mr. Erskine. & known also to Mr. Rose since his arrival, he had informed them, & they had desired him to be the bearer of their dispatches which would be

[1] The disputed levee at New Orleans.

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ready on the 27th. These dispatches he said would be delivered to him in a box, would contain all their communicns to their Govmt. consequently their operations here intrigues, spies, friends, information, their own views, prospects & designs. That he believed his appeal would cost him as much as he should recover, that he was now a ruined man, had been cruelly treated by England therefore wished to quit that Country & become an American. That for a proper reward (he did not say what) he would take the papers out of the box which should be delivered him, deliver them to us, fill the box with blank papers, return to N. York & making some excuse for not going he would send the box to it's address. He said we should be on our guard for that those Ministers had many spies in Washington and one in the President's house who informed them of everything passing. This man is known to have been much attended to by Erskine, to have been at his parties, at those of Taylor &c.

My answer to Mr. Dawson was that the Govm't would never be concerned in any transaction of that character; that moral duties were as obligatory on nations as on individuals, that even in point of interest a character of good faith was of as much value to a nation as an individual and was that by which it would gain most in the long run. That however, he might assure Hall that we would keep his secret. Mr. Dawson had consulted with Mr. Nicholas on this communication, and after I had given him the above answer I mentioned it to Mr. Madison who approved of it.

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Apr. 5. 08.—Present the 4 Secretaries. Having now 100. gunboats building and about 70 in service, we agreed that 20 should be stationed at N. Orleans with 20 men in each, about half a dozen be kept in different places for enforcing the embargo with 8 or 10 men each. Of the residue, keep on the stocks as many as we can by agreement, for preservn, and to all the rest allow 2. men each. Let the frigates & sloop remain where they are with about 20 or 30 men each to keep them clean. Which will reduce the number of seamen to less than 900. The original establishment, as the law on which the proclamation is founded expires with the end of this session, it is rather believed that it's renewal would not renew the proclamn; and as it would be disagreeable either to renew or revoke it, we conclude to let it go off in that doubtful way which may afford a reason for not proceeding to actual hostilities agt. Brit. armed vessels entering our waters. We agree to renew the call for the 100,000 Militia and Volunteers.

June 30. 08.—Present the 4 Secretaries & atty Genl. 96. applications for permission to send vessels out for property. Agreed as general rules 1. That no permission shall be granted after the
of . 2. None to Europe, because of the danger of the capture or detention of the vessels & money can be drawn thence so easily by bills, & to such advantage by the favble exchange. 3. None to Asia, or the Continent of Africa, except Mogadore. 4. None to S. America beyond the line. From such distances, vessels could not return before war may

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take place. Agreed to continue the reguln of Mr. Gallatin's circular of May 20. except that it may be relaxed as to vessels usually employed in the coasting trade. This has a special view to the relief of N. C. that her corn & lumber may be sent coastwise. The *Chesapeake* being manned may be sent on a cruise from St. Mary's to Passamaquoddy. 2. gunboats are to be built on L. Champlain, and 1. on L. Ontario—as many as convenient of the troops now raising are to be rendezvoused along L. Ontario & the St. Lawrence, a copy of the Atty. Gen's opin on the Mandamus issued to Theus in S. C. to be sent to the dists Atty. with instrns to oppose all future attempts of the kind, and Theus to be reprimanded for his countenance to the procedure.—We are agreed that a mission to St. Petersburg is expedient; the time not now decided.

July 6, 08. Present the 4. Secretaries and Atty. Genl. 1. England revokes her orders of Nov. & Jan. Shall we suspend the embargo laws as to her? Answ. unanimously, we shall. 2. If she revokes the ord. of Nov. alone? Answ. we shall suspend, the Atty Govt. alone dissenting. 3. If she revokes the ord. of Nov. as to our own produce only? Answ. unan. not to suspend, but in that case to call Congress at an earlier day? if France repeals her Berlin & Milan decrees, and restores the property sequestered, shall we suspend the embargo laws as to her? Answ. Call Congress and declare the embargo laws as to France suspended in 14 days. Mr. Madison is strongly opposed to this latter part; the suspension, because it

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lets our vessels fall into the hands of England & so pre-determines the question of war. If the embargo is suspended as to one of the powers, it must be so as to the whole world except the other power and all other nations having similar decrees or orders existing against us.

Oct. 22. Present the 4 Secretaries. Intruders on the new purchase South of Tenissee, 2. on the Indian lands (Choctaw & Cherokee) on each side of that purchase, 3. on the N. side of Red river. Agreed unanimously as to the first to appoint a Register & he to give notice to all the intruders to come in and make a declarn that they have no claim to the lands, & that a Military be sent in the spring to remove all who do not. There is a Colo. Harrison claiming & surveying under Coxe, who probably will not disclaim right, & will therefore be removeable without disturbing the others, who are said to be industrious men of property & disposed to obey the laws. The land office can be opened in the spring which will settle everything.

2.—As to intruders on the Indn. lands, give notice to depart, & if they do not, remove them in the spring by military force, except from Doubleheads land. 3. As to those on Red river, let them alone & get Congress to extend the land law to them, as they are conveniently situated to support N. Orleans. Unanimously agreed to. Order the detachment of 100,000 men under the law of last session, to be ready early in the spring that we may be prepared for any change in our foreign relations.

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Unanimously agreed in the sentiments which should be unauthoritavely expressed by our agents to influential persons in Cuba & Mexico, to wit "if you remain under the dominion of the kingdom and family of Spain, we are contented; but we should be extremely unwilling to see you pass under the dominion or ascendancy of France or England. In the latter cases should you chuse to declare independence we cannot now commit ourselves by saying we would make commmon cause with you but must reserve ourselves to act accdg to the then existing circumstances, but in our proceedings we shall be influenced by friendship to you, by a firm belief that our interests are intimately connected, and by the strongest repugnance to see you under subordination to either France or England, either politically or commercially? Anderson, our consul going to Havana is to be instructed accordingly; so is Hughes who is going to Mexico in quest of Pike's men[1] & Burling is to be sent to the city of Mexico under pretext of searching for Pike's men also, but in truth to communicate these sentiments to proper characters. Claiborne is to be intrusted with them also, to communicate accding to the occasions he may find.

Nov. 9, 08.—Conversn. with Mr. Erskine. He was much alarmed at the conversn out of doors looking like a decln of war with Gr. Br.

He spoke (declaring that if he was an American he would so view the thing) as the most rational for us

[1] The exploring expedition, sent out by the government under the command of Capt. Zebulon Pike.

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to let our commerce go out & take its chance & that we should defend it against all equally, indeed he seemed to think it best we should declare against all. He said this would be viewed as so equal that no rancorous war would be waged by either & peace would be easy at any time. I told him that there were but 3 alternatives, 1. war, 2. embargo, 3. submission, and that no American would look a moment at the last, he agreed it.

I told him I thot it possible France mt. repeal her decrees as to us, yet I did not understand from Mr. Pinckney's communicns that Engld. would even then revoke her decree; he declared in the most explicit terms she would. I then explain'd that the French repeal mt. only go to the high sea. He observed that he did not know that that cd. produce a repeal from Engld. because the exclusion of her merchandise wd. remain.

I observed to him that I thot Engld. operated on much by misrepresentns & from the errors of strangers who associated with but one party. He cleared himself of that by saying he mixed much with both, & cd. not be supposed to have any interest but in coming at the truth & communicating it.

I noted to him the tone in the conversn of Mr. Canning in the Month of June when Mr. P. inferred the orders wd. be revoked & the Month of July when he was totally off. I intimated to him my suspicions that the Halifx endpedn was intended to support a hoped insurrection in Boston.[1] He protested at once decidedly agt. the error of that suspicion, that his

[1] See note of Dec. 1, 1808, *post*.

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govmt, could not be so uninformed as to think of countenancing the taking adverse possn. of a place they could not hold many days: & that assuredly they had not a single hostile view towards this Country, & that the people of England were equally averse to a rupture with us. He spoke of the situation of Spain & that Bonaparte would soon be ousted there. Lamented the state of the world & I joined him in that & said, that if either Bonaparte or his king were to die we should have peace. He said the Pr. of Wales was as much an Anti-Bonapartian as anybody. That he was persuaded there could be no safety in a peace with him which would let their navy go down & Bonaparte's get up. I observed that went to a principle of eternal war. He sd. no; that that danger would be lessened by Bonap's. death, or by such a spirit of insurrection in the North as had appeared in Spain.

I told him I was going out of the admn. & therefore might say to him things which I would not do were I to remain in. I wished to correct an error which I at first thot his Govrnt above being led into from newspapers, but I apprehended they had adopted it, this was the supposed partiality of the admn & particularly myself in favr. of France & agt. England. I observed that when I came into the admn there was nothing I so much desired as to be on a footing of intimate frdshp with England, that I knew as long as she was our friend no enemy could hurt: that I would have sacrificed much to have effected it & therefore wished Mr. King to have continued there as a favorable instrument. That if there had been

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an equal disposn on their part I thot it might have been effected; for altho' the question of impressmts was difficult on their side & insuperable with us, yet had that been the sole question, we might have shoved along, in the hope of some compromise, that indeed there was a ground of accomodn which his ministry had on two occns yielded to for a short time, but retracted, that during the admn of Mr. Addington and the short one of Mr. Fox. I had hoped such a frdshp practicable, but that during all other admns I had seen a spirit so adverse to us that I now despaired of any charge. That he might judge from the communicns now before Congress whether there had been any partiality to France to whom he wd. see we had never made the proposition to revoke the embargo immedly which we did to England and again that we had remonstrated strongly to them on the style of Mr. Champagny's letter, but had not to England on that of Canning equally offensive. That the letter of Canning now reading to Congress was written in the high ropes & would be stinging to every American breast.

He admitted Mr. Canning wrote strongly, & spoke strongly, always taking the highest ground. I told him it was an unhappy talent, that nothing enabled a man to get along in business so well as a smooth temper & smooth style. I observed that if we wished war with England as the Federalists charged us, & I feared his Govmt. might believe, nothing would have been so easy when the *Chesapeake* was attacked, & when even the feds. themselves would have concurred, but on the contrary that our en-

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deavors had been to cool down our countrymen & carry it before their Govrmt. He said it would have been very unjust to have made an individual act the ground of war, which his govrnt might & did disavow. I agreed to that, but added that the same class of men had committed & were in the habit of committing so many atrocious insults on us, that it was impossible not to feel them deeply. That I did not charge his Govrmt with approving all this, because I believed that they could not controul them, that the officers were allied to the highest families in the kingdom were supported by such an aristocracy as that no Minister dare move against one, unless he had acted as a coward & then the nation would support the Minister in shooting him. He said I was much mistaken in supposing the govrmt could not controul the officers of the navy; that there was such a multitude of applicants to enter the navy as placed the whole very much under the power of the govmt & besides that they had such a number of officers beyond what they could employ as made it easy for a minister to leave any one unemployed.

I told him in the course of the conversn that this country would never return to an intercourse with Engld while those orders of council were in force, in some part of it also I told him that Mr. Madison (who it was now pretty well seen wd. be my successor, to which he assented) had entertained the same cordial wishes as myself to be on a friendly footing with England.

I committed all this to writing the moment Mr. Erskine left me. I have always expressed the sub-

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stance & very often the very words & phrases expressed. They were however much more dilated than is here exprest on paper.

1808. Dec. 1.—Present the 4 Secretaries. The expedition prepared at Halifx, consisting of 4000 men, is believed to be kept in readiness, in case war is declared by us, or obviously imminent, it is to go off instantly. Abandoning Upper Canada, to us, and take possession of N. Orleans, we therefore determine unanimously that all the new recruits from Pensylva inclusively Southwardly and Westwardly shall be sent off immediately (being about 2000. men) those in the Atlantic states by sea, the Western down the Ohio & Misipi & provns to be sent down the Misipi with the men, if the State of the river permits them to go, besides these there are 1000. of the old troops which can be rapidly brought to N. Orleans; that we may count on 1000. good Militia of Orleans, & 1000 of Misipi to be instantly commanded, making a force of 5000, men. That 30 gunboats shall be immediately sent into Lak Pontchartrain, and we are to ask 3525 seamen for the next season, to 15. for 17 gun boats, & the residue to fill the 11. small vessels we have from the *John Adams*, now a corvette, down. These 11. small vessels to be sent immediately to the Eastern ports to enforce the embargo. We are to undertake to make the Canal at N. Orleans, cost it what it will.

1809, Feb. 1.—Present all. On the execution of the act for employing an addnal Naval force. Agreed.

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1. To raise men to man the 30. gunboats to proceed to N. Orleans. 2. As many as will man 30 more to be sent to different ports to support the embargo. 3. To man the small vessels below the size of a frigate. 4.—To man the *Constn.* By the time these are raised we shall know whether the embargo, war, or what else is to be the state of things. The *Chesapeake* is to proceed instantly to Boston.

Feb. 25.—Prest. Sect. State, Treas'y, Navy, Atty Genl. What orders shall be given as to English & Spanish ships attempting to pass N. Orleans for Baton rouge? Ans. English ships have been hitherto prohibited, that being the highest port of entry. Spanish ships have been permitted to go up, except when having slaves on board.

Let things continue so till Congress rises, when their proceedings will decide what should be done.

Agreed that orders shall be given to the military to remove squatters from the lands of the Chickasaws, Cherokees & Choctaws, except Doublehead's reserve & Wafford's settlement.

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CORRESPONDENCE AND MISCELLANEOUS WRITINGS

1760–1774

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CORRESPONDENCE
AND
MISCELLANEOUS WRITINGS
1760–1774

TO JOHN HARVEY [1]

SHADWELL, Jan. 14, 1760.

SIR,—I was at Colo. Peter Randolph's about a Fortnight ago, & my Schooling falling into Discourse, he said he thought it would be to my Advantage to go to the College, & was desirous I should go, as indeed I am myself for several Reasons. In the first place as long as I stay at the Mountains the Loss of one fourth of my Time is inevitable, by Company's coming here & detaining me from School. And likewise my Absence will in a great Measure put a Stop to so much Company, & by that Means lessen the Expences of the Estate in House-Keeping. And on the other Hand by going to the College I shall get a more universal Acquaintance, which may hereafter be serviceable to me; & I suppose I can pursue my

[1] From a copy courteously furnished by Dr. J. S. H. Fogg, of Boston. Harvey was Jefferson's guardian.

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Studies in the Greek & Latin as well there as here, & likewise learn something of the Mathematics. I shall be glad of your opinion.

TO JOHN PAGE [1]

FAIRFIELD, December 25, 1762.

DEAR PAGE,—This very day, to others the day of greatest mirth and jollity, sees me overwhelmed with more and greater misfortunes than have befallen a descendant of Adam for these thousand years past, I am sure; and perhaps, after excepting Job, since the creation of the world. I think his misfortunes were somewhat greater than mine: for although we may be pretty nearly on a level in other respects, yet, I thank my God, I have the advantage of brother Job in this, that Satan has not as yet put forth his hand to load me with bodily afflictions. You must know, dear Page, that I am now in a house surrounded with enemies, who take counsel together against my soul; and when I lay me down to rest, they say among themselves, come let us destroy him. I am sure if there is such a thing as a Devil in this world, he must have been here last night and have had some hand in contriving what happened to me. Do you think the cursed rats (at his instigation, I suppose) did not eat up my pocket-book, which was in my pocket, within a foot of my head? And not contented with plenty for the present, they carried

[1] This, and the seven following letters to Page, are printed from Tucker's *Life of Jefferson*.

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away my jemmy-worked silk garters, and half a dozen new minuets I had just got, to serve, I suppose, as provision for the winter. But of this I should not have accused the Devil, (because, you know rats will be rats, and hunger, without the addition of his instigations, might have urged them to do this,) is something worse, and from a different quarter, had not happened. You know it rained last night, or if you do not know it, I am sure I do. When I went to bed, I laid my watch in the usual place, and going to take her up after I arose this morning, I found her in the same place, it's true! but *Quantum mutatus ab illo!* all afloat in water, let in at a leak in the roof of the house, and as silent and still as the rats that had eat my pocket-book. Now, you know, if chance had had anything to do in this matter, there were a thousand other spots where it might have chanced to leak as well as this one, which was perpendicularly over my watch. But I'll tell you; it's my opinion that the Devil came and bored the hole over it on purpose. Well, as I was saying, my poor watch had lost her speech. I should not have cared much for this, but something worse attended it; the subtle particles of the water with which the case was filled, had, by their penetration, so overcome the cohesion of the particles of the paper, of which my dear picture and watch-paper were composed,[1] that, in attempting to take them

[1] This was a portrait of Rebecca Burwell, a daughter of Lewis Burwell, President of the Virginia Council, and sister of Lewis Burwell, Jr., then a collegian in William and Mary. Jefferson in the following letters to disguise the reference sometimes writes of her in the masculine gender, or mentions her as "Belinda," or as "campana in die" (that is:

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out to dry them, good God! *Mens horret referre!* My cursed fingers gave them such a rent, as I fear I never shall get over. This, cried I, was the last stroke Satan had in reserve for me: he knew I cared not for anything else he could do to me, and was determined to try this last most fatal expedient. "*Multis fortunæ vulneribus percussus, huic uni me imparem sensi, et penitus succubui!*" I would have cried bitterly, but I thought it beneath the dignity of a man, and a man too who had read *των οντων, τα μεν εφ' ἡμιν, τα δ' ουκ εφ ημιν.* However, whatever misfortunes may attend the picture or lover, my hearty prayers shall be, that all the health and happiness which Heaven can send may be the portion of the original, and that so much goodness may ever meet with what may be most agreeable in this world, as I am sure it must be in the next. And now, although the picture be defaced, there is so lively an image of her imprinted in my mind, that I shall think of her too often, I fear, for my peace of mind; and too often, I am sure, to get through old Coke this winter; for God knows I have not seen him since I packed him up in my trunk in Williamsburg. Well, Page, I do wish the Devil had old Coke, for I am sure I never was so tired of an old dull scoundrel in my life. What! are there so few inquietudes tacked to this momentary life of our's, that we must need be loading ourselves with a thousand more? Or, as brother

bell in day), and occasionally spells Belinda backwards, making it "adnileb," which is sometimes as well written in Greek characters. The end of this youthful penchant is recorded in his letter to Fleming of March 20th, 1764, *post*.

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Job says, (who, by the bye, I think began to whine a little under his afflictions,) "Are not my days few? Cease then, that I may take comfort a little before I go whence I shall not return, even to the land of darkness, and the shadow of death." But the old fellows say we must read to gain knowledge, and gain knowledge to make us happy and admired. *Mere jargon!* Is there any such thing as happiness in this world? No. And as for admiration, I am sure the man who powders most, perfumes most, embroiders most, and talks most nonsense, is most admired. Though to be candid, there are some who have too much good sense to esteem such monkey-like animals as these, in whose formation, as the saying is, the tailors and barbers go halves with God Almighty; and since these are the only persons whose esteem is worth a wish, I do not know but that, upon the whole, the advice of these old fellows may be worth following.

You cannot conceive the satisfaction it would give me to have a letter from you. Write me very circumstantially everything which happened at the wedding. Was she there? because, if she was, I ought to have been at the Devil for not being there too. If there is any news stirring in town or country, such as deaths, courtships, or marriages, in the circle of my acquaintance, let me know it. Remember me affectionately to all the young ladies of my acquaintance, particularly the Miss Burwells, and Miss Potters, and tell them that though that heavy earthly part of me, my body, be absent, the better half of me, my soul, is ever with them; and that my

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best wishes shall ever attend them. Tell Miss Alice Corbin that I verily believe the rats knew I was to win a pair of garters from her, or they never would have been so cruel as to carry mine away. This very consideration makes me so sure of the bet, that I shall ask everybody I see from that part of the world what pretty gentleman is making his addresses to her. I would fain ask the favour of Miss Becca Burwell to give me another watch-paper of her own cutting, which I should esteem much more, though it were a plain round one, than the nicest in the world cut by other hands—however, I am afraid she would think this presumption, after my suffering the other to get spoiled. If you think you can excuse me to her for this, I should be glad if you would ask her. Tell Miss Sukey Potter that I heard, just before I came out of town, that she was offended with me about something, what it is I do not know; but this I know, that I never was guilty of the least disrespect to her in my life, either in word or deed; as far from it as it has been possible for one to be. I suppose when we meet next, she will be *endeavouring* to repay an imaginary affront with a real one: but she may save herself the trouble, for nothing that she can say or do to me shall ever lessen her in my esteem, and I am determined always to look upon her as the same honest-hearted, good-humored, agreeable lady I ever did. Tell—tell—in short, tell them all ten thousand things more than either you or I can now or ever shall think of as long as we live.

My mind has been so taken up with thinking of my acquaintances, that, till this moment, I almost

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imagined myself in Williamsburg, talking to you in our old unreserved way; and never observed, till I turned over the leaf, to what an immoderate size I had swelled my letter—however, that I may not tire your patience by further additions, I will make but this one more, that I am sincerely and affectionately, Dear Page, your friend and servant.

P. S. I am now within an easy day's ride of Shadwell, whither I shall proceed in two or three days.

TO JOHN PAGE

SHADWELL, Jan. 20th, 1763.

DEAR PAGE,—To tell you the plain truth, I have not a syllable to write to you about. For I do not conceive that any thing can happen in my world which you would give a curse to know, or I either. All things here appear to me to trudge on in one and the same round: we rise in the morning that we may eat breakfast, dinner and supper, and go to bed again that we may get up the next morning and do the same: so that you never saw two peas more alike than our yesterday and to-day. Under these circumstances, what would you have me say? Would you that I should write nothing but truth? I tell you I know nothing that is true. Or would you rather that I should write you a pack of lies? Why, unless they were more ingenious than I am able to invent, they would furnish you with little amusement. What can I do then? nothing, but ask you the news in your world. How have you done since I saw you?

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How did Nancy look at you when you danced with her at Southall's? Have you any glimmering of hope? How does R. B. do? Had I better stay here and do nothing, or go down and do less? or, in other words, had I better stay here while I am here, or go down that I may have the pleasure of sailing up the river again in a full-rigged flat? Inclination tells me to go, receive my sentence, and be no longer in suspense: but reason says, if you go, and your attempt proves unsuccessful, you will be ten times more wretched than ever. In my last to you, dated Fairfield, Dec. 25, I wrote to you of the losses I had sustained; in the present I may mention one more, which is the loss of the whites of my eyes, in the room of which I have got reds, which gives me such exquisite pain that I have not attempted to read anything since a few days after Jack Walker went down, and God knows when I shall be able to do it. I have some thoughts of going to Petersburg, if the actors go there in May. If I do, I do not know but I may keep on to Williamsburg, as the birth night will be near. I hear that Ben Harrison has been to Wilton: let me know his success. Have you an inclination to travel, Page? because if you have, I shall be glad of your company. For you must know that as soon as the *Rebecca* (the name I intend to give the vessel above mentioned) is completely finished, I intend to hoist sail and away. I shall visit particularly England, Holland, France, Spain, Italy, (where I would buy me a good fiddle) and Egypt, and return through the British provinces to the Northward, home. This to be sure, would take

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us two or three years, and if we should not both be cured of love in that time, I think the devil would be in it. After desiring you to remember me to acquaintances below, male and female, I subscribe myself, Dear Page, your friend and servant.

TO JOHN PAGE

SHADWELL, July 15th, 1763.

DEAR PAGE,—Yours of May 30th came safe to hand. The rival [1] you mentioned I know not whether to think formidable or not, as there has been so great an opening for him during my absence. I say *has been*, because I expect there is one no longer. Since you have undertaken to act as my attorney, you advise me to go immediately and lay siege *in form*. You certainly did not think, at the time you wrote this, of that paragraph in my letter wherein I mentioned to you my resolution of going to Britain. And to begin an affair of that kind now, and carry it on so long a time in form, is by no means a proper plan. No, no, Page; whatever assurances I may give her in private of my esteem for her, or whatever assurances I may ask in return from her, depend on it—they must be kept in private. Necessity will oblige me to proceed in a method which is not generally thought fair; that of treating with a ward before obtaining the approbation of her guardian. I say necessity will oblige me to it, because I never can bear to remain in suspense so long a time. If I am

[1] Probably the Jacquelin Ambler mentioned, *post*.

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to succeed, the sooner I know it, the less uneasiness I shall have to go through. If I am to meet with a disappointment, the sooner I know it, the more of life I shall have to wear it off: and if I do meet with one, I hope in God, and verily believe; it will be the last. I assure you, that I almost envy you your present freedom; and if Belinda will not accept of my service, it shall never be offered to another. That she may, I pray most sincerely; but that she will, she never gave me reason to hope. With regard to my not proceeding in form, I do not know how she may like it. I am afraid not much. That her guardians would not, if they should know of it, is very certain. But I should think that if they were consulted after I return, it would be sufficient. The greatest inconvenience would be my not having the liberty of visiting so freely. This is a subject worth your talking over with her; and I wish you would, and would transmit to me your whole confab at length. I should be scared to death at making her so unreasonable a proposal as that of waiting until I return from Britain, unless she could first be prepared for it. I am afraid it will make my chance of succeeding considerably worse. But the event at last must be this, that if she consents, I shall be happy; if she does not, I must *endeavour* to be as much so as possible. I have thought a good deal on your case, and as mine may perhaps be similar, I must endeavour to look on it in the same light in which I have often advised you to look on yours. Perfect happiness, I believe, was never intended by the Deity to be the lot of one of his creatures in this

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world; but that he has very much put in our power the nearness of our approaches to it, is what I have steadfastly believed.

The most fortunate of us, in our journey through life, frequently meet with calamities and misfortunes which may greatly afflict us; and, to fortify our minds against the attacks of these calamities and misfortunes, should be one of the principal studies and endeavours of our lives. The only method of doing this is to assume a perfect resignation to the Divine will, to consider that whatever does happen, must happen; and that by our uneasiness, we cannot prevent the blow before it does fall, but we may add to its force after it has fallen. These considerations, and others such as these, may enable us in some measure to surmount the difficulties thrown in our way; to bear up with a tolerable degree of patience under this burthen of life; and to proceed with a pious and unshaken resignation, till we arrive at our journey's end, when we may deliver up our trust into the hands of him who gave it, and receive such reward as to him shall seem proportioned to our merit. Such, dear Page, will be the language of the man who considers his situation in this life, and such should be the language of every man who would wish to render that situation as easy as the nature of it will admit. Few things will disturb him at all: nothing will disturb him much.

If this letter was to fall into the hands of some of our gay acquaintance, your correspondent and his solemn notions would probably be the subjects of a great deal of mirth and raillery, but to you, I think,

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I can venture to send it. It is in effect a continuation of the many conversations we have had on subjects of this kind; and I heartily wish, we could now continue these conversations face to face. The time will not be very long now before we may do it, as I expect to be in Williamsburg by the first of October, if not sooner. I do not know that I shall have occasion to return, if I can rent rooms in town to lodge in; and to prevent the inconvenience of moving my lodgings for the future, I think to build: no castle though, I assure you; only a small house, which shall contain a room for myself and another for you, and no more, unless Belinda should think proper to favour us with her company, in which case, I will enlarge the plan as much as she pleases. Make my compliments to her particularly, as also to Sukey Potter, Judy Burwell, and such others of my acquaintance as enquire after me. I am, Dear Page, your sincere friend.

TO WILLIAM FLEMING [1]

Ri[chmond 1763.] [2]

Dear Will—From a crowd of disagreeable companions, among whom I have spent three or four of the most tedious hours of my life, I retire into Gunn's bed-chamber to converse in black and white with an absent friend. I heartily wish you were here

[1] From the *Southern Literary Messenger*, iii., 305.

[2] Probably written while on his way to Williamsburg, late in September of that year.

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that I might converse with a Christian once more before I die; for die I must this night unless I should be relieved by the arrival of some sociable fellow. But I will now endeavor to forget my present sufferings and think of what is more agreeable to both of us. Last Saturday I left Ned Carters where I had been happy in other good company, but particularly that of Miss Jenny Taliaferro: and though I can view the beauties of this world with the most philosophical indifference, I could not but be sensible of the justice of the character you had given me of her. She is in my opinion a great resemblance of Nancy Wilton, but prettier. I was vastly pleased with her playing on the spinnette and singing, but could not help calling to mind those sublime verses of the Cumberland genius

> Oh! I was charmed to see
> Orpheus' music all in thee.

When you see Patsy Dandridge, tell her "God bless her." I do not like the ups and downs of a country life: to-day you are frolicking with a fine girl and to-morrow you are moping by yourself. Thank God! I shall shortly be where my happiness will be less interrupted. I shall salute all the girls below in your name, particularly S——y P——r.[1] Dear Will, I have thought of the cleverest plan of life that can be imagined. You exchange lands for Edgehill, or I mine for Fairfields, you marry S——y P——r, I marry R——a B——l join and get a pole chair and a pair of keen horses, practise the law in the same

[1] Sukey Potter.

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courts, and drive about to all the dances in the country together. How do you like it? Well I am sorry you are at such a distance I cannot hear your answer, but however you must let me know it by the first opportunity, and all the other news in the world which you imagine will affect me. I am dear Will

Yours affectionately,

TO JOHN PAGE

WILLIAMSBURG, October 7, 1763.

DEAR PAGE,—In the most melancholy fit that ever any poor soul was, I sit down to write to you. Last night, as merry as agreeable company and dancing with Belinda in the Apollo could make me, I never could have thought the succeeding sun would have seen me so wretched as I now am! I was prepared to say a great deal: I had dressed up in my own mind, such thoughts as occurred to me, in as moving language as I knew how, and expected to have performed in a tolerably creditable manner. But, good God! When I had an opportunity of venting them, a few broken sentences, uttered in great disorder, and interrupted with pauses of uncommon length, were the too visible marks of my strange confusion! The whole confab I will tell you, word for word, if I can, when I see you, which God send may be soon. Affairs at W. and M.[1] are in the greatest confusion. Walker, M'Clurg and Wat Jones are expelled *pro*

[1] The College.

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tempore, or, as Horrox softens it, rusticated for a month. Lewis Burwell, Warner Lewis, and one Thompson, have fled to escape flagellation. I should have excepted Warner Lewis, who came off of his own accord. Jack Walker leaves town on Monday. The court is now at hand, which I must attend constantly, so that unless you come to town, there is little probability of my meeting with you any where else. For God sake come. I am, dear Page, your sincere friend.

TO JOHN PAGE

DEVILSBURG,[1] January 19, 1764.

The contents of your letter have not a little alarmed me; and really, upon seriously weighing them with what has formerly passed between —— and myself, I am somewhat at a loss what to conclude; your "*semper saltat, semper ridet, semper loquitur, semper solicitat*," &c., appear a little suspicious; but good God! it is impossible! I told you our confab in the Apollo; but I believe I never told you that we had on another occasion. I then opened my mind more freely, and more fully. I mentioned the necessity of my going to England, and the delays which would consequently be occasioned by that. I said in what manner I should conduct myself till then, and explained my reasons, which appears to give that satisfaction I could have wished; in short, I managed in such a manner that I was tolerably easy myself, without doing anything which could

[1] A playful name for Williamsburg.

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give αδνιλεβ's friends the least umbrage, were the whole that passed to be related to them. I asked no question which would admit of a categorical answer; but I assured αδνιλεβ that such questions would one day be asked—in short, were I to have an-another interview with him, I could say nothing now which I did not say then; and were I, with a view of obtaining one, *licentiam solicitandi aliis, quibus degit postulare*, it would be previously necessary to go the rounds *cum custodibus;* and after all this, he could be in no other situation than he is at present. After the proofs I have given of my sincerity, he can be under no apprehension of a change in my sentiments; and were I to do as my friends advise me, I would give no better security than he has at present. He is satisfied that I shall make him an offer, and if he intends to accept of it, he will disregard those made by others; my fate depends on αδνιλεβ's present resolutions, by them I must stand or fall—if they are not favorable to me, it is out of my power to say anything to make them so which I have not said already; so that a visit could not possibly be of the least weight, and it is, I am sure, what he does not in the least expect. I hear you are courting F——y B——l,[1] but shall not listen to it till I hear it from you. When I was up the country, I wrote a letter to you, dated Fairfield, Dec. 25, 1763; let me know if you have received such a one. As I suppose you do not use your Statutes of Britain, if you can lend them to me, till I can provide myself with a copy, it will infinitely oblige me. Adieu, dear Page.

[1] Fanny Burwell, sister of Jefferson's flame.

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TO JOHN PAGE

DEVILSBURG, January 23, 1764.

DEAR PAGE,—I received your letter of Wednesday, the 18th instant; in that, of this day, you mention one which you wrote last Friday, and sent by the Secretary's boy; but I have neither seen nor heard of such a one. God send, mine of Jan 19 to you may not have shared the same fate; for, by your letter, I am uncertain whether you have received it or not; you therein say, "you hope to have received an answer from me by this time," by which I judge it has miscarried; but you mention mine of Dec 25, which put me in spirits again, as I do not know how you should have got intelligence that I had wrote such a one, unless you had seen my letter of Jan. 19, in which it was mentioned—yes, there is one other way by which you might have received such intelligence. My letter of Jan. 19 may have been opened, and the person who did it may have been further incited by curiosity, to ask you if you had received such a letter as they saw mentioned therein; but God send, and I hope this is not the case. Sukey Potter, to whom I sent it, told me yesterday she delivered it to Mr. T. Nelson, the younger, who had delivered it to you—I hope with his own hand. I wish I had followed your example, and wrote it in Latin, and that I had called my dear *campana in die* instead of *αδνιλεβ*.

We must fall on some scheme of communicating our thoughts to each other, which shall be totally unintelligible to every one but to ourselves. I will send you some of these days Shelton's Tachygraphical

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Alphabet, and directions. Jack Walker is engaged to Betsey Moore, and desired all his brethren might be made acquainted with his happiness. But I hear he will not be married this year or two. Put *campana in die* in mind of me; tell him I think as I always did. I have sent my horses up the country, so that it is out of my power to take even an airing on horseback at any time. My paper holds out no longer, so must bid you adieu.

TO WILLIAM FLEMING [1]

WMSBURG, March 20, 1764, 11 o'clock at night.

DEAR WILL:—As the messenger who delivered me your letter, informs me that your boy is to leave town tomorrow morning I will endeavor to answer it as circumstantially as the hour of the night, and a violent headach, with which I have been afflicted these two days, will permit. With regard to the scheme which I proposed to you some time since, I am sorry to tell you it is totally frustrated by Miss R. B's marriage with Jacquelin Ambler, which the people here tell me they daily expect: I say the people here tell me so, for (can you believe it?) I have been so abominably indolent as not to have seen her since last October, wherefore I cannot affirm that I knew it from herself, though am as well satisfied that it is true as if she had told me. Well, the Lord bless her I say! but S——y P——r is still left for you. I have given her a description of the gentle-

[1] From the *Southern Literary Messenger*, iii., 305.

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man who, as I told her, intended to make her an offer of his hand, and asked whether or not he might expect it would be accepted. She would not determine till she saw him or his picture. Now Will, as you are a piece of a limner I desire that you will seat yourself immediately before your looking-glass and draw such a picture of yourself as you think proper: and if it should be defective, blame yourself (mind that I mentioned no name to her). You say you are determined to be married as soon as possible: and advise me to do the same. No, thank ye; I will consider of it first. Many and great are the comforts of a single state, and neither of the reasons you urge can have any influence with an inhabitant and a young inhabitant too of Wmsburgh. Who told you that I reported you was courting Miss Dandridge and Miss Dangerfield? It might be worth your while to ask whether they were in earnest or not. So far was I from it that I frequently bantered Miss J——y T——o [1] about you, and told her how feelingly you spoke of her. There is scarcely anything going on here. You have heard I suppose that J. Page is courting Fanny Burwell. W. Bland, and Betsey Yates are to be married thursday se'nnight. The Secretary's son is expected in shortly. Willis has left town intirely so that your commands to him cannot be executed immediately, but those to the ladies I shall do myself the pleasure of delivering tomorrow night at the ball. Tom: Randolph of Tuckahoe has a suit of Mecklenburgh silk which he offers me for a suit of broadcloth. Tell him that if

[1] Jenny Taliaferro.

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they can be altered to fit me, I will be glad to take them on them terms, and if they cannot, I make no doubt but I can dispose of them here to his advantage. Perhaps you will have room to bring them in your portmanteau, or can contrive them down by some other opportunity. Let him know this immediately. My head achs, my candle is just going out, and my boy asleep, so must bid you adieu.

TO JOHN PAGE

DEVILSBURG, April 9th, 1764.

DEAR PAGE,—This letter will be conveyed to you by the assistance of our friend Warner Lewis. Poor fellow! never did I see one more sincerely captivated in my life. He walked to the Indian camp with her yesterday, by which means he had an opportunity of giving her two or three love squeezes by the hand; and, like a true arcadian swain, has been so enraptured ever since, that he is company for no one. B——y [1] has at last bestowed her hand on B——d; and whether it was for money, beauty, or principle, will be so nice a dispute, that no one will venture to pronounce. Two days before the wedding I was not a little surprised, on going to the door at my house, to see him alight from his horse. He stepped up to me, and desired the favour of me to come to Mr. Yates' at such a time. It was so unexpected, that for some time I could make no reply; at last I said "yes," and turned about and walked back into my

[1] See page 451.

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room. I accordingly attended, and to crown the joke, when I got there, was dubbed a bridesman. There were many other curious circumstances too tedious to mention here. Jack Walker is expected in town to-morrow. How does your pulse beat after your trip to the Isle of Wight? What a high figure I should have cut, had I gone! When I heard who visited you there, I thought I had met with the narrowest escape in the world. I wonder how I should have behaved—I am sure I should have been at a great loss. If your mistress can spare you a little time, your friends here would be very glad to see you, particularly Small and myself, as every thing is now ready for taking the height of this place above the water of the creeks. Fleming's relapse will justly afford you great matter of triumph, after rallying you so much on being in love.

Adieu, dear Page.

P. S. Walker is just arrived—he goes out of town on Wednesday, and will return again in about three weeks.

WHETHER CHRISTIANITY IS PART OF THE COMMON LAW ? [1]

[1764?]

In Quare impedit, in C. B. 34. H. 6. fo. 38, the defendant, Bishop of Lincoln, pleads that the church

[1] This is printed in the appendix of Jefferson's *Reports of Cases Determined in the General Court of Virginia*, in the preface of which he states: "I have added also a Disquisition of my own on the most remarkable instance of Judicial legislation that has ever occurred in

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of the plaintiff became void by the death of the incumbent; that the plaintiff and I. S. each pretending a right, presented two several clerks; that the church being thus rendered litigious, he was not obliged, by the ecclesiastical law, to admit either until an inquisition *de jure patronatus* in the ecclesiastical court; that, by the same law, this inquisition was to be at the suit of either claimant, and was not *ex officio* to be instituted by the Bishop, and at his proper costs; that neither party had desired such an inquisition; that six months passed; whereon it belonged to him of right to present as on a lapse, which he had done. The plaintiff demurred. A question was, How far the ecclesiastical law was to be respected in this matter by the Common law court? And Prisot c. 5.

English jurisprudence or perhaps in any other. It is that of the adoption in mass of the whole code of another nation, and its incorporation into the legitimate system by usurpation of the Judges alone, without a particle of legislative will having ever been called on, or exercised towards its introduction or confirmation."

It is not dated, but in his letter to Thomas Cooper of Feb. 10, 1814, Jefferson, in enclosing an abbreviated and somewhat altered copy, as an "extract from his Common Place Book, 873," writes of it:

"In my letter of January 16, I promised you a sample from my commonplace book, of the pious disposition of the English judges, to connive at the frauds of the clergy, a disposition which has often rendered them faithful allies in practice. When I was a student of the law, now half a century ago, after getting through Coke Littleton, whose matter cannot be abridged, I was in the habit of abridging and common-placing what I read meriting it, and of sometimes mixing my own reflections on the subject. I now enclose you the extract from these entries which I promised. They were written at a time of life when I was bold in the pursuit of knowledge, never fearing to follow truth and reason to whatever results they led, and bearding every authority which stood in their way. This must be the apology if you find the conclusions bolder than historical facts and principles will warrant. Accept with them the assurances of my great esteem and respect."

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in the course of his argument, uses this expression, "à tiels leis que ils de seint eglise ont en ancien scripture, covient à nous à donner credence; car ceo common ley sur quel touts manners leis sont fondés. Et auxy, Sir, nous sumus obligés de conustre lour ley de saint eglise. Et semblablement ils sont obligés de conustre nostre ley, et, Sir, si poit apperer or à nous que l'evesque ad fait come un Ordinary fera en tiel cas, adonq nous devons ceo adjuger bon, ou auterment nemy," etc. It does not appear what judgment was given. Y. B. ubi supra, 3. c. Fitzh. Abr., Qu. imp. 89. Bro. Abr. Qu. imp. 12. Finch mis-states this in the following manner: "to such laws of the church as have warrant in *holy scripture*, our law giveth credence;" and cites the above case, and the words of Prisot in the margin. Finch's law, b l. c. 3. published 1613. Here we find "ancien scripture," converted into "holy scripture," whereas it can only mean the antient written laws of the church. It cannot mean the scriptures, 1st. Because the term *antient* scripture must then be understood as meaning the *Old* Testament in contradistinction to the *New*, and to the exclusion of that; which would be absurd, and contrary to the wish of those who cite this passage to prove that the scriptures, or *Christianity*, is a part of the common law. 2nd. Because Prisot says, "ceo (est) Common ley sur quel touts manners leis sont fondés." Now it is true that the ecclesiastical law, so far as admitted in England, derives its authority from the common law. But it would not be true that the scriptures so derive their authority. 3rd. The whole case and arguments

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shew, that the question was, How far the ecclesiastical law in general should be respected in a common law court? And in Bro's Abr. of this case, Littleton says, "les juges del Common ley prendra conusans quid est lex ecclesiae vel admiralitatis et hugus modi." 4th. Because the particular part of the ecclesiastical law then in question, viz. the right of the patron to present to his advowson, was not founded on the law of God, but subject to the modification of the law-giver; and so could not introduce any such general position as Finch pretends. Yet Wingate (in 1658) thinks proper to erect this false quotation into a maxim of the common law, expressing it in the very words of Finch, but citing Prisot, Wing. Max. 3. Next comes Sheppard (in 1675) who states in it the same words of Finch, and quotes the Y. B. Finch and Wingate. 3 Shep. Abr. tit. "Religion." In the case of the King and Taylor, Sir Matthew Hale lays it down in these words; "Christianity is parcel of the laws of England." 1 Ventr. 293. 3 Keb. 607. But he quotes no authority. It was from this part of the supposed common law that he derived his authority for burning witches. So strong was this doctrine become in 1728, by additions and repetitions from one another, that in the case of the King *v.* Woolston, the court would not suffer it to be debated, Whether to write against Christianity was punishable in the temporal courts, at common law? saying it had been so settled in Taylor's case, ante, 2 Stra. 834. Therefore Wood, in his Institute, lays it down, that all blasphemy and profaneness are offences by the common law, and

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cites Strange, ubi supra. Wood, 409. and Blackstone (about 1763) repeats, in the words of Sir Matthew Hale, that "Christianity is part of the laws of England," citing Ventr. and Stra. ubi supra. 4 Bl. 59. Lord Mansfield qualified it a little, by saying in the case of the Chamberlain of London *v.* Evans, 1767, that "the essential principles of revealed religion are part of the common law." But he cites no authority, and leaves us at our peril to find out what, in the opinion of the judge, and according to the measures of his foot or his faith, are those *essential* principles of revealed religion, obligatory on us as a part of the common law. Thus we find this string of authorities, when, examined to the beginning, all hanging on the same hook; a perverted expression of Prisot's; or on nothing. For they all quote Prisot, or one another, or nobody. Thus, Finch quotes Prisot; Wingate also; Sheppard quotes Prisot, Finch and Wingate; Hale cites nobody; the court, in Woolston's case, cite Hale; Wood cites Woolston's case; Blackstone that and Hale; and Lord Mansfield, like Hale, ventures it on his own authority. In the earlier ages of the law, as in the Year books for instance, we do not expect much recurrence to authorities by the judges; because, in those days, there were few or none such, made public. But in later times we take no judge's word for what the law is, further than he is warranted by the authorities he appeals to. His decision may bind the unfortunate individual who happens to be the particular subject of it; but it cannot alter the law. Although the common law be termed *Lex non scripta*,

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yet the same Hale tells us, "when I call those parts of our laws *Leges non scriptæ*, I do not mean as if all those laws were only oral, or communicated from the former ages to the latter merely, by word. For all these laws have their several monuments in writing, whereby they are transferred from one age to another, and without which they would soon lose all kind of certainty. They are for the most part extant in records of pleas, proceedings and judgments, in books of reports, and judicial decisions, in tractates of learned men's arguments and opinions, preserved from antient times, and still extant in writing: Hale's Com. Law, 22. Authorities for what is common law, may, therefore, be as well cited as for any part of the *lex scripta*. And there is no better instance of the necessity of holding the judges and writers to a declaration of their authorities, than the present, where we detect them endeavoring to make law where they found none, and to submit us, at one stroke to a whole system, no particular of which, has its foundation in the common law, or has received the "*esto*" of the legislator. For we know that the common law is that system of law which was introduced by the Saxons, on their settlement in England, and altered, from time to time, by proper legislative authority, from that, to the date of the *Magna Charta*, which terminates the period of the common law, or *lex non scripta*, and commences that of the statute law, or *lex scripta*. This settlement took place about the middle of the fifth century; but Christianity was not introduced till the seventh century; the conversion of the first Christian King

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of the Heptarchy, having taken place about the year 598, and that of the last about 686. Here, then, was a space of two hundred years, during which the common law was in existence, and Christianity no part of it. If it ever, therefore, was adopted into the common law, it must have been between the introduction of Christianity and the date of the *Magna Charta*. But of the laws of this period, we have a tolerable collection, by Lambard and Wilkins; probably not perfect, but neither very defective; and if any one chooses to build a doctrine on any law of that period, supposed to have been lost, it is incumbent on him to prove it to have existed, and what were its contents. These were so far alterations of the common law, and became themselves a part of it; but none of these adopt Christianity as a part of the common law. If, therefore, from the settlement of the Saxons, to the introduction of Christianity among them, that system of religion could not be a part of the common law, because they were not yet Christians; and if, having their laws from that period to the close of the common law, we are able to find among them no such act of adoption; we may safely affirm (though contradicted by all the judges and writers on earth) that Christianity neither is, nor ever was, a part of the common law. Another cogent proof of this truth is drawn from the silence of certain writers on the common law. Bracton gives us a very complete and scientific treatis of the whole body of the common law. He wrote this about the close of the reign of Henry III, a very few years after the date of the *Magna Charta*. We may

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consider this book as the more valuable, as it was written about the time which divides the common and statute law; and therefore gives us the former in its ultimate state. Bracton, too, was an ecclesiastic, and would certainly not have failed to inform us of the adoption of Christianity as a part of the common law, had any such adoption ever taken place. But no word of his, which intimates anything like it, has ever been cited. Fleta and Britton, who wrote in the succeeding reign of E. I., are equally silent. So also is Glanvil, an earlier writer than any of them, to wit, temp. H. 2.; but his subject, perhaps, might not have led him to mention it. It was reserved for Finch, five hundred years after, in the time of Charles II., by a falsification of a phrase in the Year book, to open this new doctrine, and for his successors to join full-mouth in the cry, and give to the fiction the sound of fact. Justice Fortescue Aland, who possessed more Saxon learning than all the judges and writers before mentioned put together, places this subject on more limited ground. Speaking of the laws of the Saxon Kings, he says, "the ten commandments were made part of their law, and consequently were once part of the law of England; so that to break any of the ten commandments, was then esteemed a breach of the common law of England; and why it is not so now, perhaps, it may be difficult to give a good reason." Pref. to Fortescue's Rep. xvii. The good reason is found in the denial of the fact.

Houard, in his Coutumes Anglo-Normandes, 1. 87, notices the falsification of the laws of Alfred, by pre-

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fixing to them, four chapters of the Jewish law, to wit, the 20th, 21st, 22nd and 23rd chapters of Exodus; to which he might have added the 15th of the Acts of the Apostles, v. 23 to 29, and precepts from other parts of the scripture. These he calls Hors d'œuvre of some pious copyist. This awkward monkish fabrication, makes the preface to Alfred's genuine laws stand in the body of the work. And the very words of Alfred himself prove the fraud; for he declares in that preface, that he has collected these laws from those of Ina, of Offa, Aethelbert and his ancestors, saying nothing of any of them being taken from the scripture. It is still more certainly proved by the inconsistencies it occasions. For example, the Jewish legislator, Exodus, xxi. 12, 13, 14, (copied by the Pseudo Alfred § 13) makes murder, with the Jews, death. But Alfred himself, Ll. ccvi. punishes it by a fine only, called a weregild, proportioned to the condition of the person killed. It is remarkable that Hume (Append. I. to his history) examining this article of the laws of Alfred, without perceiving the fraud, puzzles himself with accounting for the inconsistency it had introduced. To strike a pregnant woman, so that she die, is death by Exod. xxi. 22, 23, and pseud. Alfr. § 18. But by the Ll. Alfred ix. the offender pays a weregild for both the woman and child. To smite out an eye or a tooth, Exod. xxi. 24–27. Pseud. Alfred. § 19, 20, if of a servant by his master, is freedom to the servant; in every other case, retaliation. But by Alfred Ll. xl. a fixed indemnification is paid. Theft of an ox or a sheep, by the Jewish law, xxii. Exod. 1. was repaid

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five fold for the ox, and four fold for the sheep; by the Pseudograph § 24, double for the ox and four fold for the sheep. But by Alfred Ll. xvi. he who stole a cow and calf, was to repay the worth of the cow, and 40s. for the calf. Goring by an ox, was the death of the ox, and the flesh not to be eaten; Exod. xxi. 28. Pseud. Alfr. § 21. By Ll. Alfr. xxiv. the wounded person had the ox. This Pseudograph makes municipal laws of the ten commandments: § 1–10, regulate concubinage; § 12, makes it death to strike, or to curse father or mother; § 14, 15, give an eye for an eye, tooth for tooth, hand for hand, foot for foot, burning for burning, wound for wound, stripe for stripe; § 19, sells the thief to repay his theft; § 24, obliges the fornicator to marry the woman he has lain with; § 29, forbids interest on money; § 28, 35, make the laws of bailment, and very different from what Lord Holt delivers in Coggs v. Bernard, and what Sir William Jones tells us they were; and punishes witchcraft with death, § 30, which Sir Matthew Hale 1. P. C. ch. 33, declares was not a felony before the stat. 1. Jac. c. 12. It was under that statute, that he hung Rose Cullender, and Amy Duny, 16. Car. 2. (1662) on whose trial he declared, "that there were such creatures as witches, he made no doubt at all; for 1st. The scriptures had affirmed as much. 2nd. The wisdom of all nations had provided laws against such persons—and such hath been the judgment of this kingdom, as appears by that act of parliament which hath provided punishments proportionable to the quality of the offence." And we must certainly allow greater weight to this position

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"that it was no felony till James's statutes," deliberately laid down in his H. P. C., a work which he wrote to be printed and transcribed for the press in his lifetime, than to the hasty *scriptum*, that "at common law, witchcraft was punished with death as heresy, by writ *de heretico comburendo*," in his methodical summary of the P. c. pa. 6.; a work "not intended for the press, nor fitted for it and which he declared himself he had never read over since it was written." Preface. Unless we understand his meaning in that to be, that witchcraft could not be punished at *common law as witchcraft*, but as a *heresy*. In either sense, however, it is a denial of this pretended law of Alfred. Now all men of reading know that these pretended laws of homicide, concubinage, theft, retaliation, compulsory marriage, usury, bailment, and others which might have been cited from this Pseudograph, were never the laws of England, not even in Alfred's time; and of course, that it is a forgery. Yet, palpable as it must be to a lawyer, our judges have piously avoided lifting the veil under which it was shrouded. In truth, the alliance between church and state in England, has ever made their judges accomplices in the frauds of the clergy; and even bolder than they are; for instead of being contented with the surreptitious introduction of these four chapters of Exodus, they have taken the whole leap, and declared at once that the whole Bible and Testament, in a lump, make a part of the common law of the land; the first judicial declaration of which was by this Sir Matthew Hale. And thus they incorporate into the English

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code, laws made for the Jews alone, and the precepts of the gospel, intended by their benevolent author as obligatory only in *foro conscientiæ;* and they arm the whole with the coercions of municipal law.[1] They do this, too, in a case where the question was, not at all, whether Christianity was a part of the laws of England, but simply how far the *ecclesiastical law* was to be respected by the common law courts of England, in the special case of a right of presentment. Thus identifying Christianity with the ecclesiastical law of England.

TO COLONEL WILLIAM PRESTON[2]

STAUNTON, Aug. 18, 1768.

DEAR SIR,—I sit down to petition your suffrage in favor of a friend whose virtues and abilities have made him much to me, and will give him equal place in your esteem whenever you have an opportunity of becoming acquainted with them. The gentleman I speak of is the Rev. James Fontaine, who offers

[1] In the already alluded to copy of this, sent to Thomas Cooper in 1814, the remainder of this, by what is clearly a long subsequent interpolation, is made to read as follows:

"In doing this, too, they have not even used the Connecticut caution of declaring, as is done in their blue laws, that the laws of God shall be the laws of their land, except where their own contradict them; but they swallow the yea and nay together. Finally, in answer to Fortescue Aland's question why the ten commandments should not be a part of the common law of England? we may say they are not because they never were made so by legislative authority, the document which has imposed that doubt on him being a manifest forgery."

[2] From the original in the possession of Dr. Thomas Addis Emmet, of New York.

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himself as a candidate for the place of chaplain to the House of Burgesses. I do not wish to derogate from the merit of the gentleman who possessed the office last, but I cannot help hoping that every friend of genius, when the other qualities of the competitors are equal, will give a preference to superior abilities; integrity of heart and purity of manners recommend Messrs. Price and Fontaine equally to our esteem, but in acuteness of penetration, accuracy of judgement, elegance of composition, propriety of performing the divine service, and in every work of genius, the former is left a great distance behind the latter. I do not ask your favor on a bare assurance of this from me, but from that knowledge of Mr. Fontaine's superiority, which you will obtain on enquiring of others. I have heard that the other has been possessed of the office; an argument which with you will need no confutation. These small preferments should be reserved to reward and encourage genius, and not be strowed with an indiscriminating hand among the common herd of competitors.[1]

RESOLUTIONS OF THE VIRGINIA HOUSE OF BURGESSES.[2]

Monday, the 8th of May, 9th GEO. III., 1769.

Resolved, Nemine contradicente, That a most humble and dutiful Address be presented to his Ex-

[1] This application met with no success, Rev. Thomas Price being continued in office.

[2] From the *Journal of the House of Burgesses for 1769*, p. 4. It is the first of Jefferson's public papers, and in a letter to Wirt (Aug. 5,

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cellency the Governor, returning Thanks for his very affectionate Speech at the Opening of the Session;

Expressing our firm Attachment to his Majesty's sacred Person and Government, and a lively Sense of his Royal Favour, manifested by frequent Approbations of our former Conduct; by extending his Paternal Regard to all his Subjects, however remote; and, by his gracious Purpose, that our Chief Governor shall, in future, reside among us;

Declaring, that we esteem, as a peculiar Mark of his Attention to our Happiness, the Appointment of his Lordship to preside over this Colony; and, that his Virtues and Abilities, manifested ever since his Arrival here, are to us the firmest Assurance, that Wisdom and Benevolence will distinguish his Administration;

Joining, in Congratulations on the Birth of another Princess, and the happy Restoration of her Majesty's Health;

Assuring his Excellency, that we shall, with Candour, proceed to the important Business on which we are met in General Assembly; and that, if in the Course of our Deliberations, any Matters shall arise,

1815) he writes of it: "On receiving the Governor's [Botetourt] speech it was usual to move resolutions as heads to an address. Mr. Pendleton asked me to draw the resolutions which I did. They were accepted by the House, and Pendleton, Nicholas, myself and some others were appointed a committee to prepare the address. The committee desired me to do it, but when presented it was thought to pursue too strictly the diction of the resolutions, and that their subjects were not amplified. Mr. Nicholas chiefly objected to it, and was desired by the committee to draw one more at large, which he did with amplification enough, and it was accepted. Being a young man as well as a young member, it made on me an impression proportioned to the sensibility of that time of life."

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which may in any wise affect the Interests of *Great-Britain*, these shall ever be discussed on this ruling Principle, that her Interests, and ours, are inseparably the same; And finally, offering our Prayers, that Providence, and the Royal Pleasure, may long continue his Lordship the happy Ruler of a free and happy People.

TO JOHN PAGE

CHARLOTTESVILLE, Feb. 21, 1770.

DEAR PAGE,—I am to acquaint Mrs. Page of the loss of my favorite pullet; the consequence of which will readily occur to her. I promised also to give her some Virginia silk which I had expected, and I begin to wish my expectation may not prove vain. I fear she will think me but an ungainly acquaintance. My late loss may perhaps have reached you by this time; I mean the loss of my mother's house by fire, and in it of every paper I had in the world, and almost every book. On a reasonable estimate I calculate the *cost* of the books burned to have been £200 sterling. Would to God it had been the money, *then* had it never cost me a sigh! To make the loss more sensible, it fell principally on my books of Common Law, of which I have but one left, at that time lent out. Of papers too of every kind I am utterly destitute. All of these, whether public or private, of business or of amusement, have perished in the flames. I had made some progress in preparing for the succeeding General Court; and having, as was my custom, thrown my thoughts into the form of notes, I troubled

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my head no more with them. These are gone, and like the baseless fabric of a vision, leave not a trace behind. The records also, and other papers which furnished me with states of the several cases, having shared the same fate, I have no foundation whereon to set out anew. I have in vain attempted to recollect some of them; the defect sometimes of one, sometimes of more circumstances, rendering them so imperfect that I can make nothing of them. What am I to do then in April? The resolution which the Court has declared of admitting no continuances of causes seemed to be unalterable; yet it might surely be urged, that my case is too singular to admit of their being often troubled with the like excuse. Should it be asked, what are the misfortunes of an individual to a Court? The answer of a Court, as well as of an individual, if left to me, should be in the words of Terence, "*homo sum; humani nil a me alienum uto*"—but a truce with this disagreeable subject.

Am I never more to have a letter from you? Why the devil don't you write? But I suppose you are always in the moon, or some of the planetary regions. I mean you are there in idea; and, unless you mend, you shall have my consent to be there *de facto;* at least during the vacations of the Court and Assembly. If your spirit is too elevated to advert to sublunary subjects, depute my friend Mrs. Page to support your correspondences. Methinks I should, with wonderful pleasure, open and peruse a letter written by so fair, and (what is better) so friendly hands. If thinking much of you would entitle me to the civility of a

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letter, I assure you I merit a very long one. If this conflagration, by which I am burned out of a home, had come before I had advanced so far in preparing another, I do not know but I might have cherished some treasonable thoughts of leaving these my native hills; indeed I should be much happier were I nearer to Rosewell and Severn hills—however, the Gods, I fancy, were apprehensive that if we were placed together, we should pull down the moon, or play some such devilish prank with their works. I reflect often with pleasure on the philosophical evenings I passed at Rosewell in my last visits there. I was always fond of philosophy, even in its drier forms; but from a ruby lip, it comes with charms irresistible. Such a feast of sentiment must exhilarate and lengthen life, at least as much as the feast of the sensualist shortens it—in a word, I prize it so highly, that, if you will at any time collect the same *Belle Assemblée*, on giving me three days previous notice, I shall certainly repair to my place as a member of it. Should it not happen before I come down, I will carry Sally Nicholas in the green chair to Newquarter, where your periagua (how the —— should I spell that word?) will meet us, automaton-like, of its own accord. You know I had a wagon which moved itself—cannot we construct a boat then which shall row itself? *Amicus noster Fons*,[1] *quo modo agit, et quid agit?* You may be all dead for anything we can tell here. I expect he will follow the good old rule of driving one passion out by letting another in. *Clavum clavo pangere* was your advice to me on a similar occasion. I hope you will

[1] Probably Mr. William Fontaine, of Hanover County.

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watch his immersion as narrowly as if he were one of Jupiter's satellites; and give me immediate notice, that I may prepare a dish of advice. I do not mean, Madam, to advise him against it. On the contrary, I am become an advocate for the passion; for I too am *cælo tactus*, *Currus*[1] *bene se habet*. He speaks thinks, and dreams of nothing but his young son. This friend of ours, Page, in a very small house, with a table, half a dozen chairs, and one or two servants, is the happiest man in the universe. Every incident in life he so takes as to render it a source of pleasure. With as much benevolence as the heart of man will hold, but with an utter neglect of the costly apparatus of life, he exhibits to the world a new phenomenon in philosophy—the Samian sage in the tub of the cynic. Name me sometimes *homunculo tuo*, not forgetting little *dic mendacium*. I am determined not to enter on the next page, lest I should extend this nonsense to the bottom of that also. *A dieu je vous commis*, not doubting his care of you both.

ARGUMENT IN THE CASE OF HOWELL *vs.* NETHERLAND[2]

[April, 1770.]

On behalf of the plaintiff it was insisted, 1st, that if he could be detained in servitude by his first master,

[1] By this term, he no doubt designated Mr. Dabney Carr, his brother-in-law.

[2] This, and Jefferson's argument in the case of Godwin *et al.* *vs.* Lunan, printed herein under Oct., 1771, are the only legal arguments of his, while still a practising lawyer, that are extant, if we except a paper among the Jefferson manuscripts in the Department of State,

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he could not be aliened. But 2nd. that he could not be detained in servitude.

1. It was observed that the purpose of the act was to punish and deter women from that confusion of species, which the legislature seems to have considered as an evil, and not to oppress their innocent offspring. That accordingly it had made cautious provision for the welfare of the child, by leaving it to the discretion of the church wardens to choose out a proper master; and by directing, that that master should provide for it sufficient food, clothing, and lodging, and should not give immoderate correction. For these purposes the master enters into covenants with the church wardens; and to admit he had a power after this to sell his ward, would be to admit him a power of discharging himself of his covenants.

being an "opinion" endorsed "On the Power of the General Court to established Fees.—E. Pendleton and T. Jefferson, May 4, 1774." This latter is entirely in the handwriting of Pendleton, leaving it a matter of uncertainty what part was supplied by Jefferson. The two former owe their preservation to their incorporation in a collection of law reports which was prepared for publication by Jefferson some time before his death, and published in 1829 under the title of *Reports of Cases Determined in the General Court of Virginia from 1730 to 1740, and from 1768 to 1772*. Therein he says of this case:

"This case was referred to the determination of the court, on facts stated by the counsel for both parties, which were, That the plaintiff's grandmother was a mulatto, begotten of a white woman by a negro man, after the year 1705, and bound by the churchwardens, under the law of that date, to serve to the age of thirty-one. That after the year 1723, but during her servitude, she was delivered of the plaintiff's mother, who, during her servitude, to wit, in 1742, was delivered of the plaintiff, and he again was sold by the person to whom his grandmother was bound to the defendant, who now claims his service till he shall be thirty-one years of age. . . . Wythe, for the defendant, was about to answer, but the Court interrupted him, and gave judgement in favor of his client."

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Nor is this objection answered by saying that the covenants of the first master are transferred to the alienee, because he may be insolvent of the damages which should be recovered against him, and indeed they might be of such a nature as could not be atoned for, either to the servant or to society; such, for instance, would be a corruption of morals either by the wicked precept or example of the master, or of his family. The truth is, the master is bound to the servant for food, raiment, and protection and is not at liberty, by aliening his charge, to put it out of his own power to afford them when wanting. The servant may as well set up a right of withdrawing from his master those personal services which he, in return, is bound to yield him. Again, the same trust which is created by express compact in favor of the first mulatto, is extended by the law to her issue. The legislature confiding that the choice of a master for the first mulatto, by the church wardens, would be prudent, vest the issue in him also without further act to be done; and the master, at the time he takes the mother, knowing that her issue also is to be under her servitude on the same conditions, does by accepting her, tacitly undertake to comply with those conditions raised by the law in their favor. These servants bear greater resemblance to apprentices than to slaves. Thus, on the death of the first master, they go to his executor as an apprentice would, and not to his heir as a slave. The master is chosen, in both cases, from an opinion of his peculiar propriety for that charge, and the performances of his duty in both cases is secured by mutual covenants. Now it

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is well known that an apprentice can not be aliened; and that, not from any particular provision of the legislature, but from the general nature of the connection and engagements between them: there being, as was before observed, a trust reposed in the diligence and discretion of the master; and a trust by our law cannot be assigned. It adheres to the person as closely as does his integrity, and he can no more transfer the one than the other to a purchaser. But,

2nd. It was insisted, that the plaintiff, being a mulatto of the third generation, would not be detained in servitude under any law whatever: the grand position now to be proved being that one law had reduced to servitude the first mulatto only, the immediate offspring of a white woman by a negro or mulatto man; that a second law had extended it to the "children" of that mulatto; but that no law had yet extended it to her grandchildren, or other issue more remote than this. To prove this, a general statement of these laws was premised. Act of 1705, c. 49 s. 18. "If any woman servant shall have a bastard child, by a negro or mulatto, or if a free Christian white woman shall have such bastard child by a negro or mulatto; in both the said cases the churchwardens shall bind the said child to be a servant until it shall be of thirty one years of age." In other parts of the act, it is declared who shall be slaves, and what a manumission of them; from sect. 34 to 39. are regulations solely relative to slaves, among which is sect. 36. "Baptism of slaves doth not exempt them from bondage; and all children shall be bond or free

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according to the condition of their mothers and the particular directions of this act."

Act. 1723. c. 4. s. 22. "Where any female mulatto or Indian, by law obliged to serve till the age of thirty or thirty one years shall, during the time of her servitude, have any child born of her body, every such child shall serve the master or mistress of such mulatto or Indian, until it shall attain the same age, the mother of such child was obliged, by law, to serve unto."

In 1748, the Assembly revising and digesting the whole body of our acts of Assembly, in act 14. s. 4. incorporate the clauses before cited, without any addition or alteration. And in 1753, c. 2. s. 4. 13, the law of 1748, is re-enacted with some new matter which does not effect the present question.

Now it is plain the plaintiff does not come within the description of the act of 1705, s. 18; that only reducing to servitude "the child of a white woman by a negro or mulatto man." This was the predicament of the plaintiff's grandmother. I suppose it will not be pretended that the mother being a servant, the child would be a servant also under the law of nature, without any particular provision in the act. Under the law of nature, all men are born free, every one comes into the world with a right to his own person, which includes the liberty of moving and using it at his own will. This is what is called personal liberty, and is given him by the author of nature, because necessary for his own sustenance. The reducing the mother to servitude was a violation of the law of nature: surely then the same law cannot prescribe a

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continuance of the violation to her issue, and that too without end, for if it extends to any, it must to every degree of descendants. Puff. b. 6. c. 3. s. 4. 9. supports this doctrine. For having proved that servitude to be rightful, must be founded on either compact, or capture in war, he proceeds to shew that the children of the latter only follow the condition of the mother: for which he gives this reason, that the person and labor of the mother in a condition of perfect slavery, (as he supposes to be that of the captive in war) being the property of the master, it is impossible she should maintain it but with her master's goods; by which he supposes a debt contracted from the infant to the master. But he says in cases of servitude founded on contract, "The food of the future issue is contained or implied in their own maintenance, which their master owes them as a just debt; and consequently their children are not involved in a necessity of slavery." This is the nature of the servitude introduced by the act of 1705, the master deriving his title to the service of the mother, entirely from the contract entered into with the churchwardens. That the bondage of the mother does not under the law of nature, infer that of her issue, as included in her, is further obvious from this consideration, that by the same reason, the bondage of the father would infer that of his issue; for he may with equal, and some anatomists say with greater reason, be said to include all his posterity. But this very law admits there is no such descent of condition from father to child, when it imposes servitude on the child of a slave, which would have been unnecessary, if the

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condition had descended of course. Again, if it be a law of nature that the child shall follow the condition of the parent, it would introduce a very perplexing dilemma; as where the one parent is free and the other a slave. Here the child is to be a slave says this this law by inheritance of the father's bondage: but it is also to be free, says the same law by inheritance of its mother's freedom. This contradiction proves it to be no law of nature.

But the 36th section of the act will perhaps be cited as the entailing condition of the mother on the child, where it says, that "children shall be bond or free according to the condition of the mother, and the particular direction of this act." Now that the word "bond" in this clause relates to "slaves" only, I am justified in asserting, not only from common parlance but also from its sense in other parts of this very act. And that on the other hand it considers those who were to be free after a temporary servitude, as described under the word "free." In this very section, 36, it says, "baptism of slaves does not exempt them from bondage." Here then in the very sentence now under consideration, the word bondage is used to express perpetual slavery; and we cannot conceive they meant to use it in two different senses in the same sentence. So in clause nineteen of the same act, it says, "to prevent that abominable mixture of white men or women with negroes or mulattoes, whatever white man or woman being free, shall intermarry with a negro or mulatto, &c. shall be committed to prison, &c." Now unless the act means to include white servants and apprentices under the denomina-

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tion of "freemen," then a white servant or apprentice may intermarry with a negro or mulatto. But this is making the act miss of its purpose, which was "to prevent the abominable mixture of white men or women with negroes or mulattoes." But to put it out of dispute, the next clause (twenty) says that "if any minister shall, notwithstanding, presume to marry a white man or woman with a negro or mulatto," he shall incur such a penalty. Here then the prohibition is extended to whites in general, without saying "free whites" as the former clause did. But these two clauses are plainly co-extensive; and consequently the word "free" in the nineteenth, was intended to include the temporary white servants taken in by the twentieth clause, under the general appellation of "white men or women." So that this act where it speaks of bondmen, means those who are "perpetual slaves," and where of "freemen," those who are to be free after a temporary servitude, as well as those who are so now. Indeed to suppose, where the act says, "the children of a bondwoman shall be bond," that it means "the children of a temporary servant shall be temporary servants," would infer too much: for it would make temporary servants of the children of white servant women, or of white apprentice women, which yet was never pretended. The conclusion I draw from this, is, that since the temporary service of a white woman does not take from her the appellation of a freewoman, in the sense of this act, and her children under this very clause are free, as being the children of a free woman, neither does the temporary servitude of a mulatto

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exclude her from the same appellation, and her children also shall be free under this clause, as the children of a free woman. So that the meaning of this clause is, that children shall be slaves, where slavery was the condition of the mother; and free, where freedom either immediate or remote, was her condition: excepting only the instance of the mulatto bastard, which this act makes a servant, though the mother was free. This is the case alluded to by the last words of the clause, "according to the particular direction of this act." Because in this case, the act had made a temporary servant of the child, though the mother was not so.

Then comes the act of 1723, directing that where any female mulatto or Indian, by law obliged to serve till thirty or thirty one, shall have a child during her servitude, such child shall serve the same master to the same age. This act does itself prove that the child was not obliged to serve under the former law of 1705, which had imposed servitude on the mother; and consequently that the clause "children shall be bond or free, according to the condition of the mother," affected the children of slaves only. For wherefore else was this law made? If the children of a mulatto held in temporary servitude were to follow the condition of the mother, and be temporary servants under the law of 1705, that of 1723 was wholly unnecessary. But on the contrary, when we find an Assembly within eighteen years after the law of 1705, had been passed, the one half or whom would probably be the same members who had passed that law, when we see these people I say, enacting expressly

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that the children should be temporary servants, it is a strong proof the makers of the first law had not intended they should be so. *Expositio contemporanea est optima*, is a maxim in our law, because such exposition is supposed to be taken from the makers of the law themselves, who best knew their own intention; and it is doubly conclusive, where the makers themselves pass a new act to testify their intention. So that I hold it certain, the act of 1705, did not extend to the children of the first mulatto, or that of 1723, would not have been made.

That the act of 1723, did not extend to the plaintiff, is apparent from its words. "Where any female mulatto by law obliged to serve till thirty one (that is, the plaintiff's grandmother) shall during the time of her servitude, have a child born of her body (that is, the plaintiff's mother) such a child shall serve till thirty one." This act describes the plaintiff's mother then as the subject on which to operate. The common sense of mankind would surely spare me the trouble of proving the word "child" does not include the grandchild, great-grandchild, great-great-grandchild, &c. *in infinitum*. Or if that would not, the act itself precludes me, by declaring it meant only a "child born of her body." So that as the law of 1705, has made a servant of the first mulatto, that of 1723, extends it to her children.

The act of 1748, is the next in course. At this time all our acts were revised and digested, and sent in one volume to receive his Majesty's approbation. These two laws being found to be on the same subject, were then incorporated without any alteration. This

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however, could not affect their meaning, which is still to be sought after by considering the component acts in their separate state. At any rate it cannot affect the condition of the plaintiff, who was born in 1742, which was six years before it was made. The same may be said of the law of 1753, which is copied from 1748, with only the addition of some new matter, foreign to the present question. So that on the laws of 1705, and 1723, alone, it is to be determined; with respect to which I have endeavored to shew;

That the first of them subjected to servitude, the first mulatto only.

That this did not, under the law of nature, affect the liberty of the children.

Because, under that law we are all born free.

Because, the servitude of the mother was founded on compact, which implies maintenance of her children, so as to have them under no obligation to the master.

And because, this descent of condition from parent to child, would introduce a contradiction where the one parent is free, and the other in servitude.

That as little are they affected by the words of the act, "children shall be bond or free, according to the condition of the mother."

Because that act uses the word "bond," so as to shew it means thereby those only who are perpetual slaves, and by the word "free" those who are entitled to freedom in *præsenti* or in *futuro;* and consequently calling the mother "free," says her children shall be "free."

Because it would make servants of the children of

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white servants or apprentices, which nobody will say is right.

And because the passing the act of 1723, to subject the child to servitude, shews it was not subject to that state under the old law.

And lastly, that the act of 1723, affects only "children of such mulattoes," as when that law was made were obliged to serve till thirty-one; which takes in the plaintiff's mother who was of the second generation, but does not extend to himself who is of the third.

So that the position at first laid down is now proven, that the act of 1705, makes servants of the first mulatto, that of 1723, extends it to her children, but that it remains for some future legislature, if any shall be found wicked enough, to extend it to the grandchildren and other issue more remote, to the "*nati natorum et qui nascentur ab illis.*"

TO THOMAS ADAMS,[1] MERCHANT

CHARLOTTESVILLE, July 11: 1770.

DEAR SIR,—I take the liberty of interceding for your friendly aid to mr James Ogilvie, a gentleman of my acquaintance now in London. Purposing last fall to go to Britain for orders he made the usual application to the commissary for his recommendatory letter to the bishop. This man, partly from an evil disposition to defeat the wishes of some gentlemen, no

[1] This and the following letter are from copies kindly furnished by Miss Sarah N. Randolph.

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favorites of his, who bore a warm friendship to mr. Ogilvie, and partly from that elation of mind which usually attends preferment without merit and which has no other object in view but to hang out to the world it's own importance, peremptorily refused his recommendation. The cause of refusal which he assigned unfortunately gave the lie to his own conduct of a few weeks before. He thought Ogilvie not qualified for the sacred function because he did not possess a critical knowledge of the Greek; tho' but a very few weeks before he had thought his sadler properly qualified who was not only a stranger to the characters, but perhaps even to the present existence of that language. He did however condescend to promise Ogilvie that he would not oppose his ordination with the bishop; a promise which seems to have been made with no other than the wanton purpose of sporting with truth: for tho' Ogilvie sailed within a few days after receiving this promise the commissary's letter found means to be before him, and to lodge with the bishop a caveat against his ordination. Here then the matter rests, till his friends can take proper measures for counteracting the designs of this worthy representative of episcopal faith; and as he is obliged to remain in London in the meantime and probably went unprovided for so long a stay, I would ask the favor of you, and I shall deem it a very great one, to procure him credit with your mercantile friends in London for any monies of which he may be in need, for the repaiment of which I enter myself security. I do not know that I can profer you any reward for this favor, other than the sublime pleasure

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of relieving distressed merit, a pleasure which can be properly felt by the virtuous alone. I would hope at the same time that the receipt of interest might prevent any pecuniary injury from such advancements. Should you find it convenient to lend such assistance you will be pleased to give mr. Ogilvie notice of it by a letter directed to him at mrs Ballard's Hungerford street in the Strand. I would also beg in that case that you would embrace the first opportunity of doing it, as we are totally in the dark what may be the necessaries of his situation. You will be pleased to excuse the freedom and perhaps impropriety of this application. My feelings are warm in the cause of this gentleman, and having no connections or correspondence on that side of the water I apply to the single friendship from which I could hope effectual aid to any person there in whose welfare I am interested. Nevertheless if this aid should be attended with inconvenience I expect and insist that you shall decline it with the same freedom with which I ask it. And be assured that I am with much sincerity your friend & humble servt.

TO PEYTON RANDOLPH

ALBEMARLE, July 23, 1770.

HONORABLE SIR,—I am to beg the favor of your friendly interposition in the following case, which I hope you will think sufficient to excuse the freedom of the application. Some time last fall mr Jas Ogilvie purposing to go for orders made the usual application

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to the commissary for his recommendatory letter to the bishop. The commissary finding him somewhat deficient in his Greek expressed some doubts whether he could recommend him. Ogilvie to remove them did without thought to be sure make use of a very unfortunate argument, mentioning to the commissary the case of Stevenson who without understanding a word of Greek had been lately recommended. The commissary took flame at the hint and peremptorily refused his recommendation. In several subsequent visits Ogilvie attempted to soften him and did at length prevail so far as to obtain a promise that he would not oppose his ordination with the bishop. With this assurance, and with an actual nomination to a parish in his pocket he took his departure. But whether the commissary's frame is such as that he does not feel the obligations of an engagement or whether he really thought he had done wrong in entering it I cannot say, but before Ogilvie reached London he had lodged a letter with the bishop in which were these words "mr Ogilvie applied to me last spring for a recommendation to your Lordships for holy orders. For reasons which then existed I refused him. He has now applied to me a second time, as these reasons are not removed I have denied him again but he goes home in opposition." Nothing could have been more artfully contrived [?] to do him a prejudice. The bishop observed to Colo Mercer, who had espoused Ogilvie's interest with some warmth that had mr Horrocks mentioned his objections, it would have left him to judge whether they were such as he might have overlooked; but that a

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charge so general laid his whole character open to censure in such a manner as to put it out of his power to vindicate it. This young gentleman seems to have been guided thro' life by the hand of misfortune itself. Some hard fatality which presides over all his measures has rendered abortive every scheme which either his prudence or the anxiety of his friends have ever proposed for his advancement. His present undertaking was peculiarly unfortunate. Before he went to London he paid a visit to his father a presbyterian minister in Aberdeen, who received him with all the joy with which an absence of many years could inspire a parent. Yet, so wonderful is the dominion of bigotry over her votaries that on the first information of his purpose to receive episcopal ordination he shut him from his doors and abjured every parental duty. Thus rejected by that hand from which he had expected some assistance necessary even for the short residence on that side of the water which he had then in contemplation he hastened to London, and there received the last stroke which fortune had in reserve for him. The distresses of his situation operating on a mind uncommonly sensible to the pains as well as to the pleasures of life may be conceived even by those to whom fortune has been kinder. There he still remains then, and there he must remain (for it is his last stake) till the commissary can be prevailed on either to withdraw his opposition or to explain the grounds of it, or till we can take such other measures as may counteract it's malignity. The former is the easier and shorter relief to Ogilvie's distress and it is not impossible

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but that the commissary may by this time be disposed to assist him. For this purpose I have ventured to ask your interposition with him on behalf of this gentleman in whose cause I have warm feelings. This liberty I have taken with you not on any assumed rights of friendship or acquaintance, but merely on the principles of common humanity to which his situation seems to recommend him, and on the hope that you will think with the good man in the play "homo sum: humani nil a me alienum puto." I have no interest at our episcopal palace, and indeed any application if known to come from me would rather be of disservice. I flatter myself your interposition there would have certain effect, and assure you it would lay me under lasting obligations. I suppose the most certain assistance would be a letter from the commissary to the bishop. But one thing I must conjure you to do, to see the letter yourself, that you may judge whether it be really friendly or not. I confess to you, mr speaker, that I put not the least confidence in the most solemn promises of this reverend gentleman. And unless yourself can be assured of the security of his endeavors I had rather proceed at once in such measures as may answer our purpose tho' "in opposition." After your application I have one further favor to ask of you, that if it is unsuccessful you will give me notice by a line lodged in the post office, if successful (as I doubt not but it will be) you would be so kind as to inclose his letter under cover to Ogilvie, and direct to him at mrs Ballard's Hungerford street in the Strand London; as this would be a more speedy communication of relief to

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him than sendg the letter via Albemarle. I have no proffers to make you in return for all this trouble; fortune seems to have reserved your obligations for herself. You have nothing to ask, I nothing to give. I can only assure you then that I sincerely rejoice in the independence of your situation; I mean an independence on all but your own merit, than which I am sure you cannot have a more permanent dependence. I am Sir with much truth your very humble servt.

END OF VOLUME I.

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